

HOUSE JOURNAL  
OF THE  
SIXTH SESSION  
OF THE  
LEGISLATIVE ASSEMBLY  
OF THE  
TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID  
TERRITORY, ON MONDAY, DECEMBER 6, A. D. 1869,  
AND CONCLUDED JANUARY 7, A. D. 1870.

REPRINTED: HELENA, M. T.  
ROBERT E. FISK, PUBLIC PRINTER,  
1870.



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GRIGGS, WATSON & DAY,  
DAVENPORT, IOWA.

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## FEDERAL OFFICERS.

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### GOVERNOR,

JAMES M. ASHLEY, . . . . . HELENA.

### SECRETARY,

W. S. SCRIBNER, . . . . . VIRGINIA CITY.

### JUDICIARY,

1st District — H. L. WARREN, *Chief Justice*, . . . . . VIRGINIA CITY.

2d District — HIRAM KNOWLES, *Associate Justice*, . . . . . DEER LODGE.

3d District — G. G. LYMES, *Associate Justice*, . . . . . HELENA.

### U. S. DISTRICT ATTORNEY,

H. N. BLAKE, . . . . . VIRGINIA CITY.

### U. S. MARSHALL,

WM. F. WHEELER, . . . . . HELENA.

### COLLECTOR OF CUSTOMS,

W. W. JOHNSON, . . . . . HELENA.

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## TERRITORIAL OFFICERS.

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### AUDITOR,

JAMES L. FISK, . . . . . HELENA.

### TREASURER,

L. W. FRARY, . . . . . VIRGINIA CITY.

### SUP'T PUBLIC INSTRUCTION,

REV. S. G. LATHROP, . . . . . HELENA.

# MEMBERS OF THE HOUSE OF REPRESENTATIVES.

---

J. R. BOYCE, Sr., *Speaker*.

A. H. BARRETT.

R. O. BAILEY.

N. C. BOSWELL.

J. A. BROWNE.

— BASS.

G. F. COPE.

— COOPER.

— COLLINS.

V. A. COCKERELL.

S. R. ELWELL.

J. F. FORBIS.

I. GIBBS.

R. O. HICKMAN.

A. B. HAMILTON.

— HEALY.

H. JORDAN.

A. LAMME.

J. MURPHY.

T. POUNDS.

P. SCOTT.

A. J. SMITH.

W. D. WANN.

P. T. WILLIAMS.

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## ATTACHES.

G. W. ROCKFELLOW, *Chief Clerk*.

BEN EZEKIEL, *Assistant Clerk*.

P. E. EVANS, *Engrossing Clerk*.

R. HEDGE, *Enrolling Clerk*.

WM. DEASCEY, *Sergeant-at-Arms*.

O. P. THOMAS, *Doorkeeper*.

# HOUSE JOURNAL.

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## SIXTH SESSION.

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### FIRST DAY.

DECEMBER 6, 1869.

In pursuance of law, the House of Representatives of the Sixth Legislative Assembly of the territory of Montana was called to order by A. H. Barrett (Assistant Clerk of the House, in absence of the Chief Clerk, R. E. Arick), at 12 o'clock M. on Monday, December 6, 1869, at the Hall of the House of Representatives, Virginia City, Montana territory.

On motion of R. O. Bailey, A. H. Barrett was appointed Speaker *pro tem*.

On motion of W. D. Wann, Geo. W. Rockfellow, Chief Clerk *pro tem*.

On motion of G. F. Cope, Wm. Deascey was appointed Sergeant-at-Arms *pro tem*.

On motion of G. F. Cope, O. P. Thomas was appointed Door-keeper *pro tem*.

On motion of G. F. Cope, W. F. Reddrick was appointed Fireman *pro tem*.

On motion of G. F. Cope, House took a recess until four o'clock P. M.

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FOUR O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

On motion of R. O. Bailey, the calling of the roll was dispensed with.

On motion of Mr. Wann, the House adjourned until ten o'clock A. M. Tuesday.

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## SECOND DAY.

DECEMBER 7, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Messrs. Bailey, Boswell, Browne, Bass, Cooper, Collins, Elwell, Forbis, Gibbs, Hickman, Hamilton, Healy, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Williams, and Boyce were absent.

Journal of yesterday read and approved.

On motion of W. D. Wann, House took recess until 4 P. M.

FOUR O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

No *quorum* present.

On motion of Mr. Wann, House adjourned until to-morrow, 10 A. M.

## THIRD DAY.

DECEMBER 8th, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — Messrs. Wann, Browne, Barrett, and Lamme, answered to their names.

Minutes of yesterday read and approved.

On motion of J. A. Browne, House took a recess until 4 o'clock P. M.

FOUR O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called — absent, Messrs. Bailey, Hickman, Boswell, Gibbs, Pounds, Scott, Elwell, Forbis, Boyce, Murphy, Williams, Hamilton, Smith, Bass, Healy, Cooper, Collins, and Jordon.

On motion of Mr. Wann, House adjourned until 10 o'clock A. M. to-morrow.

## FOURTH DAY.

DECEMBER 9th, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — absent, Messrs. Bailey, Hickman, Boswell, Gibbs, Scott, Elwell, Forbis, Boyce, Hamilton, Bass, Healy, Cooper, and Collins.

Minutes of yesterday read and approved.

On motion of Mr. Wann, House took a recess until 3 o'clock, this P. M.

THREE O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called — absent, Messrs. Bailey, Boswell, Bass, Cooper,

Collins, Cockerill, Elwell, Gibbs, Hickman, Hamilton, Healy, Pounds, Scott, and Smith.

On motion of Mr. Jordan, House took a recess until 4 o'clock this P. M.

FOUR O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called—absent, Messrs. Boswell, Bass, Cooper, Collins, Elwell, Gibbs, Hickman, Hamilton, Healy, Scott, and Smith.

On motion of Mr. Boyce, a committee of five (5) on Credentials were appointed by the chair.

Committee consisting of Messrs. Boyce, Browne, Pounds, Jordan, and Cockerill.

On motion of Mr. Cockerill, House adjourned until 10 o'clock A. M. to-morrow.

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## FIFTH DAY.

DECEMBER 10th, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Messrs. Boswell, Bass, Cooper, Collins, Elwell, Gibbs, Hamilton, Healy, and Scott.

Minutes of yesterday read and approved.

A Committee on Credentials reported as follows:—

We, Committee on Credentials, have examined the certificates and credentials of the following members, and find them correct and legal:—

*First District—Madison Co.*

G. F. Cope, R. O. Hickman, W. D. Wann, and R. O. Bailey.

*Second District—Deer Lodge Co.*

Thomas E. Pounds.



*Third District—Lewis and Clarke Co's.*

J. R. Boyce, Sr., John Murphy, P. T. Williams, and J. F. Forbis.

*Fourth District—Beaver Head Co.*

A. J. Smith, J. A. Browne.

*Eighth District—Jefferson Co.*

A. H. Barrett, H. Jordan.

*Ninth District—Gallatin and Big Horn Co's.*

A. Lamme, V. A. Cockerill.

Committee asked until 10 A. M. to morrow, to report fully, as we are satisfied that there will be some additional members arrive at that time.

Respectfully,

|            |              |
|------------|--------------|
| BOYCE,     | } Committee. |
| POUNDS,    |              |
| COCKERILL, |              |
| BROWNE,    |              |
| JORDAN,    |              |

Moved by Mr. Smith, that the Committee on Credentials have until to-morrow morning to report. Motion adopted.

On motion of Mr. Boyce, the House was temporarily organized.

Moved by Mr. Cockerill that the officers elected by the minority organization be retained in the majority organization.

Moved by Mr. Smith, that the members now present be sworn in. Carried.

Mr. Boyce moved that a committee of three be appointed by the chair to wait upon the Hon. H. L. Warren, Chief Justice of the territory, and invite him to administer the oath to the members present.

Whereupon, Messrs. Boyce, Smith, and Wann, were appointed said committee.

On motion of Mr. Cockerill, the House took a recess for ten minutes.

House resumed. Mr. Speaker in the chair.

The committee appointed to wait on the Hon. H. L. Warren announced that he was present, and ready to administer the oath to the members.

Chief Justice Warren then administered the oath of office to the members, in a body.

Moved by Mr. Cockerill, that the thanks of this House be tendered to the Hon. H. L. Warren.

Motion adopted.

On motion of Mr. Cockerill, House adjourned until 10 o'clock A. M. to-morrow.

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## SIXTH DAY.

DECEMBER 11, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—absent, Messrs. Bailey, Bass, Cooper, Collins, Elwell, Gibbs, Hamilton, and Healy.

Minutes of yesterday read and approved.

Committee on Credentials reported Messrs. Boswell and Scott as entitled to seats in this House, as members from the Second Assembly District.

On motion of Mr. Boyce, C. C. Menaugh was requested to administer the oath of office to Messrs. Boswell and Scott.

Messrs. Boswell and Scott were then duly sworn in by C. C. Menaugh.

On motion of Mr. Cockerill, the House went into permanent organization.

Moved by Mr. Cope, that the Sergeant-at-Arms be ordered to bring into the House Mr. Bailey, of Madison county. Carried.



Moved by Mr. Pounds, that the House take a recess until 2 o'clock P. M. Lost.

Moved by Mr. Wann, that the House take a recess for a half hour. Carried.

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ELEVEN O'CLOCK A. M.

House resumed. Mr. Speaker in the chair.

Moved by Mr. Cockerill, that the House proceed to the election of Speaker. Carried.

Mr. Cope nominated for Speaker, Wann, of Madison; Mr. Pounds nominated for Speaker, Boyce, of Lewis and Clarke; Mr. Hickman nominated for Speaker, Bailey, of Madison; Mr. Cockerill nominated Barrett, of Jefferson; Mr. Boyce nominated Lamme, of Gallatin.

The name of Mr. Barrett was withdrawn.

Moved by Mr. Boswell, that the vote for Speaker be by ballot. Carried.

Moved by Mr. Cockerill, that three tellers be appointed by the chair. Carried.

Chair appointed Messrs. Cockerill, Cope, and Pounds.

The House then proceeded to take the first ballot for Speaker.

Mr. Boyce received nine votes, Mr. Wann, four, Mr. Bailey, three.

Mr. Boyce having a majority of all the votes cast, was declared elected Speaker of this House.

For the office of Chief Clerk, Mr. Browne nominated Geo. W. Rockfellow.

On motion of Mr. Cockerill, Geo. W. Rockfellow was declared Chief Clerk, by acclamation.

On motion of Mr. Jordan, Ben Ezekiel was declared Assistant Clerk, by acclamation.

For the office of Engrossing Clerk, Mr. Cope nominated P. E. Evans; Mr. Williams nominated S. Johns.

The House then proceeded to ballot, and P. E. Evans, having received a majority of all votes cast, was declared by the Speaker, Engrossing Clerk of this House.

On motion of Mr. Cockerell, R. Hedge was declared Enrolling Clerk, by acclamation.

On motion of Mr. Cope, Wm. Deasey was declared Sergeant-at-Arms, by acclamation.

On motion of Mr. Cope, W. F. Reddrick was declared Fireman, by acclamation.

Masters Watson and Evans were then elected Pages of the House.

C. C. Menaugh then administered the oath of office to the officers and attaches of the House.

Moved by Mr. Boswell, that a committee of three be appointed by the chair to inform the Council that the House had organized. Carried.

Chair appointed Messrs. Boswell, Forbis, and Smith.

Moved by Mr. Smith, that the Council be invited to meet with this House at 2 o'clock this P. M. to receive the Governor's Message. Carried.

Moved by Mr. Smith, that a committee of three be appointed to inform the Governor that the House was organized, and, in conjunction with the Council, were ready to hear any communications his excellency might have to make. Carried.

Whereupon, Messrs. Smith, Barrett, and Lamme were appointed such committee.

Moved by Mr. Smith, that a vote of thanks be tendered Mr. Barrett, for the able and impartial manner in which he had conducted the affairs of the Speaker *pro tem.* of this House. Carried.

On motion of Mr. Barrett, a committee of three were appointed by the chair, to wait upon the Secretary and request

him to furnish this house with stationery, said committee being Messrs. Barrett, Smith, and Jordan.

On motion of Mr. Wann, the House took a recess until 2 o'clock P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — absent, Messrs. Boswell, Bass, Cooper, Collins, Elwell, Forbis, Gibbs, Hamilton, Healy, Lamme, and Wann.

Select committee to inform the Governor that the Council and House would meet at 2 o'clock P. M. reported verbally.

Report received and adopted, and committee discharged.

The committee appointed to inform the Council that the House was permanently organized, reported verbally.

Report received and adopted, and committee discharged.

Message received from the Council, through Mr. Leveridge, Chief Clerk, informing the House that they will meet them in joint session, at 2 o'clock P. M.

Moved by Mr. Boswell, that S. R. Elwell, member from Deer Lodge, be sworn in. Carried.

The Sergeant-at-Arms announced the Council.

House and Council in joint session. Hon. W. B. Dance, President of the Council, in the chair.

Moved by Mr. Word, of the Council, that a committee of three (3) be appointed to inform the Governor that the Council and House were in joint session, and prepared to receive any communications he might have to make to them.

Amended by Mr. George (Council), that three (3) be appointed from the House, and two from the Council, on said committee.

Amendment accepted, and motion as amended carried.

Messrs. Word, and Mitchell, from the Council, and Messrs.



Smith, Forbis, and Browne, from the House, were appointed as said committee.

Committee reported that His Excellency, the Governor, was present, and ready to deliver his Message to them.

The Governor was introduced by the President, and then delivered the following Message :—

*Gentlemen of the Council and House of Representatives :—*

You have been commissioned by the electors of Montana to discharge an honorable and important trust.

In pursuance of what a majority thus commissioned believe to be an imperative duty, you have met at the capital and organized both branches of the Legislative Assembly.

Concurring with those who hold that so much of the act of the Legislative Assembly approved January 15, 1869, as provides for biennial sessions, is void, because in conflict, at the time of its passage, with the Organic Act, I regret that I have been unable to concur in the opinion that there was such a necessity for the meeting of the Legislative Assembly this winter as to make it obligatory on me to convene you in extraordinary session. The fact that Congress made no appropriation for the ordinary expenses of the Legislative Assembly of Montana for the present fiscal year, is the best evidence which I can offer that such meeting was not contemplated by that body. In addition to this, the Secretary received instructions from Washington not to issue vouchers for any part of the expenses of such a session. All the expenses of this session must, therefore, be paid by the people of the territory, unless Congress can be induced to come to our relief.

In view of these facts, and the very general expression of the people of all parties that no session of the Legislative Assembly was necessary, I did not believe until Monday that a quorum of the two Houses would convene without a proclamation from the Executive.

Anxious to prevent an increase of the territorial indebtedness, and to save the people from additional taxation, I declined to issue a proclamation calling you together, preferring, if such a re-

sult should follow, to have our legislative functions lapse, rather than increase our already large indebtedness, and of necessity impair the value of our securities in the market.

Leaving to the judicial department of the territory the question of the legality of this unexpected session, and waiving the discussion of questions which will suggest themselves to all as to the practicability or necessity of this meeting of the Legislature, I recognize the fact that a quorum of the gentlemen chosen by the electors of Montana as members of the Legislative Assembly of the territory are in session and organized.

#### TERRITORIAL OFFICERS.

Soon after my arrival in the territory, my attention was called to the fact that the Territorial Auditor and Treasurer were holding their offices in pursuance of an act of the Legislative Assembly which was in conflict with the plain provisions of the Organic Law. The act of the Legislative Assembly creating the offices of Territorial Auditor, and Treasurer, and Superintendent of Public Instruction, approved Nov. 16, 1867, is as follows: —

SECTION 1. There shall be elected or appointed in the territory of Montana the following officers, to-wit: 1st, one delegate to Congress. 2d, members of the Council of the Legislative Assembly. 3d, members of the House of the Legislative Assembly. 4th, one Territorial Treasurer. 5th, one Territorial Auditor, who shall be *ex-officio* librarian. 6th, one Superintendent of Public Instruction. 7th, one District Attorney for each judicial district.

\* \* \* \* \*

SECTION 3. The Territorial Treasurer, Territorial Auditor, and Superintendent of Public Instruction, shall be elected by the qualified voters of the territory, and be commissioned by the Governor, and shall hold their offices for two years, and until their successors are elected and qualified.

SECTION 4. The Treasurer, Auditor, and Superintendent shall be elected by the Legislative Assembly as soon as practicable after the passage and approval of this act, in joint convention assembled, to be commissioned by the Governor, who shall hold their offices until the general election in the year A. D. 1869,

when they shall be elected according to the provisions of section 3 of this act.

Section 7 of the Organic Act reads thus:—

SECTION 7. *And be it further enacted, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the territory of Montana. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance, the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly, and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.*

The present executive having drawn the act for the organization of the territory of Montana, has no question as to the true interpretation of this section.

In the discharge of my duty I have been compelled to regard so much of the act of the Legislative Assembly as provides for the election of these officers, either by joint vote of the Legislative Assembly or by the people, as void, because in violation of the plain provisions of the Organic Act.

The gentlemen at present discharging the duties of Territorial Auditor and Treasurer, having been elected by the Legislative Assembly in joint convention, have been recognized by me as officers *de facto*, and not *de jure*.

Some weeks prior to canvassing the vote on the question of removing the Capital, and the vote for delegate to Congress, I intimated to gentlemen whom I supposed to be the personal and political friends of the acting Auditor and Treasurer, that I should not count the vote for Territorial Auditor, Treasurer, and Superintendent of Public Instruction, which had been returned to the Secretary in conformity with the act of the Legislative Assembly just read. I also intimated that if either of the gentlemen, claiming to have been elected in pursuance of that act would apply for and obtain, on a full hearing of the case, a writ



of *mandamus*, either from the Chief Justice or from one of the Associate Justices of the United States District Court for the territory, directing me to count the vote, and give certificates of election as required by act of the Legislative Assembly, that I would cheerfully obey such writ, and issue the required certificates, setting forth in each the facts, provided the Court would make an order, which should be recited in each commission, that if on appeal to the Supreme Court of the territory the judgment of the District Court should be reversed, that the gentlemen thus commissioned should forthwith deliver over the books and papers of said offices to the persons adjudged by the Supreme Court of the territory to be legally entitled to receive them. This seemed to me the most direct and less expensive mode of testing the validity of the act in question.

No such proceedings having been commenced by either of the gentlemen claiming to have been elected, and the time prescribed by law for canvassing the vote of the territory having nearly expired, there was no alternative left me but to appoint and commission men whom I believed to be qualified for each of the offices, in order to test before the United States District Court or the Supreme Court of the territory, the legal points in controversy. I therefore appointed and commissioned, "subject to the advice and consent of the Legislative Council at its first regular session," James L. Fisk, as Auditor, Leander W. Frary as Treasurer, and James H. Mills as Superintendent of Public Instruction. Mr. Mills subsequently declined the appointment.

After the appointment of Messrs. Fisk and Frary, I requested them to file their bonds with the Secretary as required by law, and demand of the incumbents the books and papers of said offices, and in case either or both refused, to apply to the Chief Justice for a writ of *quo warranto*, requiring them to show by what right they continued to possess said offices. Messrs. Fisk and Frary filed bonds as requested, which bonds were approved by the Secretary. They then demanded of the incumbents, Messrs. Rodgers and Barkley, the books and papers of the offices named, which these gentlemen declined to surrender. Application was then made by Messrs. Fisk and Frary to the Chief Justice for a writ of *quo warranto*.

The case came up on demurrer, and after argument the demurrer was overruled. The defendants then asked and obtained ten days to file an answer to the complaint of plaintiffs.

On a full hearing of the case, the Court passed upon and overruled every point made by the defendants, and fully sustained the authority claimed for the Executive to make these appointments.

The whole question is thus removed beyond the pale of partizan discussion, and my purpose to vindicate the paramount authority of Congress and the prerogative of the Executive has been accomplished.

I take pleasure in calling your attention to the judgment of the Chief Justice, which will be found appended to this message and marked "A."

#### OUR ELECTION LAWS.

In canvassing the result of the late territorial election, the entire absence of anything in the form of a certificate from one county, and the informality of returns from others, impressed me with the necessity of additional legislation, in order to secure in the future election returns free from such irregularities.

I therefore suggest, that the Secretary of the territory and clerks of the several counties be authorized and required by law to have prepared printed blanks in proper form for election returns, and that the Secretary transmit by mail, prior to each territorial election, duplicate copies of said blanks to the clerk of each county, for the use of county canvassers; and that the clerk of each county be required to transmit to the clerk or some proper officer in each voting precinct of the county, duplicate blanks, to be used in preparing certificates of the result of any election in the several precincts of each county. This would secure uniformity in all election certificates hereafter made, whether returned to the Secretary of the territory or to county clerks, and take from boards of territorial or county canvassers the power, which they now claim, of passing upon and rejecting such returns as they please for informality, even when they know they are free from fraud, and intended by the returning officers to be in conformity with law.



I also recommend that the county clerk of each county be required within *twenty* days after each territorial election to forward by mail, in a letter registered as required by the regulations of the post office department, and directed to the Secretary, at the capital, one copy of the certificate of the board of county canvassers of the result of any election required by law to be transmitted to the Secretary, and that each county clerk be required to preserve on file in his office a duplicate copy of each certificate duly authenticated by the signature of the canvassing board of said county, which certificate shall, on the written requisition of the Governor, be delivered by said clerk to any person authorized by him to receive it, and that the clerk be required to preserve in his office a copy of the certificate delivered to any person on the requisition of the Governor.

In case the county clerk of any county shall neglect or refuse to forward to the Secretary a certificate of the result of any election, as required by law, or shall refuse, on demand of the Governor, made in writing or by telegraph, to deliver the duplicate certificate of any election on file in his office, to any person authorized by the Governor to receive the same, it is recommended that the Governor be authorized and empowered to remove said clerk and to appoint and commission a trustworthy and competent citizen in his stead, who shall serve until the next annual election in said county, and that the clerk thus appointed be authorized and required to prepare forthwith from the precinct returns on file in his office, a certificate of the election in said county, and transmit the same to the Secretary as required by law, or deliver it to any person authorized by the Governor to receive it. If there be no returns from the several precincts of the county, preserved and on file in said office, then, that it be made the duty of the clerk thus appointed, within twenty days, to demand of the clerks of the several election boards in the county a duplicate copy of the returns of said election made by them and forwarded to the county clerk prior to his removal.

If some such authority as is here suggested is not vested in the executive, the clerk of any county may, and often will, have it in his power to defeat the fairly expressed will of the people, in any county or district of the territory, by neglecting or refusing to comply with the plainest provisions of law.

If these suggestions meet your approval, the time in which the board of territorial canvassers should be required to perform their duty ought to be fixed at not less than sixty days after each territorial election.

The functions of county and territorial canvassing boards, it appears to me, ought to be made by law purely ministerial. I am clearly of the opinion that such boards ought not to be clothed with the discretionary power of rejecting the vote of any precinct or county, when returned to them in conformity with the spirit and intent of the law. It ought rather to be made the imperative duty of each canvassing board to examine the certificates returned to them by the proper officers, and audit and declare the result.

I also suggest that on every precinct election board in each county, and on each board of county and territorial canvassers, there shall hereafter be appointed, or elected in such manner as the Legislative Assembly may by law direct, at least one competent and well known citizen, to act as a member of each of said boards, who shall not be of the same political party with those who constitute a majority of either of said boards. This would secure the minority a member of every board.

Before dismissing this subject, permit me to call your special attention to the necessity of providing by law the manner and the time within which all questions touching the validity of any county, district, or territorial election, may be heard and summarily determined before the District Court, with the right of appeal to the Supreme Court of the territory, and that the court be clothed with authority to put the person adjudged entitled to any office, in possession, during the pendency of any appeal, so that neither fraud nor perjury, or a careless disregard of the election law on the part of any clerk or canvassing board, or a continuation of the case on appeal until the official term has expired, shall successfully, and with impunity, defeat the fairly expressed will of the people at any election.

BIENNIAL SESSIONS. — LEGISLATIVE APPORTIONMENT. — MINORITY REPRESENTATION.

The following amendment to our Organic Act, approved March

1, 1869, will demand, and I doubt not, receive, your early and considerate attention : —

“ *Be it enacted, &c.*, That hereafter the members of the House of Representatives of the territory of Montana, shall be elected for the term of two years, and the stated sessions of the Legislative Assembly shall be biennial. And the said Legislative Assembly, at its first session after the passage of this act, shall provide by law for carrying this act into effect.”

In providing for biennial sessions of the Legislative Assembly, it also will become necessary to provide for biennial elections.

So intimately connected with the organization of the Legislative Assembly is the question of apportionment and representation, that I deem it to be my duty to call your attention to the fact that a large minority of the electors in this territory have been without adequate representation in the Legislative Assembly since its organization.

If representation had been equitably provided, it would have secured to both parties in each branch of the Legislative Assembly, a distribution of political power, in exact proportion to the number of votes polled at each election ; instead of which the minority in the territory have been practically disfranchised.

Without an equitable distribution of political power in the legislative department, whether national, state, or territorial, there can be no just recognition of the democratic idea of government.

Equitable representation, therefore, in every Legislative Assembly, is the only safe basis in a republic.

In providing for future representation in the Legislative Assembly of this territory, I have to urge upon you a full and complete recognition of this just principle. Its adoption in Montana may pave the way for its adoption throughout the nation. Wherever it is adopted, it will secure a government administered by the consent of all, in the interest of all, and with representation for all.

I wish to see this system adopted, not only by Montana, but by the national and state governments, because it recognizes more fully than any system now in use, the democratic idea that every legislative body should reflect the sentiments and convictions of the whole people which it is chosen to represent.



Our state and territorial governments are organized upon the theory that the laws enacted are the embodied will of the entire voting population of each, while in truth the system in use practically excludes from participation in the enactment of laws a large minority, and not unfrequently a majority have been successfully excluded for years in a number of states of this Union.

This is accomplished by unfair apportionments, or by "gerrymandering," as it is familiarly called. Counties which give large political majorities to one party are grouped together in districts with small representation, while other counties, with small political majorities, and often with less population, are organized into districts with large representation. In this way one elector is clothed with more political power than another, the minority disfranchised, and often the majority. It will be admitted that there is something radically wrong in a system capable of such gross abuse.

That system which best collects the deliberatively expressed will of a whole people, and enacts it into law, is the one which fulfills more completely than any other the theory of an absolute democracy.

The mode of alternate and cumulative voting presented by John Stuart Mill, and other leading statesmen and thinkers, to the people of Great Britain, while, perhaps, the fairest ever suggested for securing an equitable division of political power, in a republican commonwealth, is so complicated that I doubt whether its adoption can be secured in this country, at least for many years. With all its complications, however, it is infinitely better than our present system.

Joseph Medill, Esq., one of the editors of the *Chicago Tribune*, has presented for the consideration of gentlemen elected members of the constitutional convention of Illinois, a plan to secure minority representation, which is worthy of your serious attention. I will take pleasure in laying his article before any committee which you may appoint to take charge of this subject. Mr. Medill's plan provides that the entire voting population of Illinois shall enact their laws by voting through proxies. The political power of the state would thus be represented in the Legislative Assembly by the number of votes cast by each party in

the state — no more, no less. This proposition has the merit of proposing a radical change in our present indefensible system, and substituting in its stead one incapable of such abuses.

Time and reflection have confirmed me in the belief that the period has arrived in our history when the system of representation so long in use in our National Congress, and state and territorial legislatures, must be changed.

While a member of the House of Representatives at Washington, I proposed a plan for securing minority representation in Congress and in state legislatures, which I now take occasion to present for your consideration, with the single remark, that if you can devise a plan which will secure a more equitable representation in the Legislative Assembly, and give the people of the territory a more direct voice in their government, I shall be glad to co-operate with you in enacting it into law.

The plan which I suggest provides a modification and continuation of the district system, while it secures to every voter in the territory equal political power. By adopting the cumulative plan of voting, the minority, if they number one-third of the electors in the territory, can secure one of the three members of the Legislative Council which I propose to have elected for the territory at large. If they number one-sixth of the electors, they can secure one of the six representatives in the House, which I also propose to have elected for the territory at large. In each district for the Council and the House, the minority may, by adopting the cumulative system of voting, secure their proportion of the members of the Legislative Assembly; and in no event can they secure a greater number than they are entitled to for the number of votes they cast. This system makes all gerrymandering impracticable, destroys all motive for illegal voting, and clothes each elector with equal political power.

Of the plans named, perhaps all are open to objection, but each is far preferable to the present system. Perfection is not to be expected in any plan which may be adopted. It is the province of true statesmanship to devise and apply the best possible remedy for existing abuses, and the admitted defects of our present system.

The plan which I suggest, provides that each elector shall vote

one ballot. On that ballot he must name his choice for delegate to Congress, and for each county officer, as now. There being but one delegate to Congress to elect, also but one county clerk, or sheriff, or other county officer, alternate or cumulative voting cannot be secured. Only where an elector is authorized to vote for *two* or more candidates for the same office, such as members of the Legislative Assembly, can the system of cumulative and alternative voting be applied.

The system which I favor, recognizes in the national, state, and territorial governments, the absolute supremacy of the legislative department; abolishes in each the veto power, and authorizes Congress and the legislatures of states and territories to prescribe by law the manner in which all ministerial officers shall discharge the duties of their respective offices, where they are not clearly defined by the organic law.

If the electors of this territory had secured to them an equitable representation in the Legislative Assembly, I should not, while Governor, make use of the veto power, a power which I regard as kingly and despotic, and with which no man, however able or trustworthy, ought to be clothed in a Republican government.

The present territorial apportionment for members of the Council and House of Representatives, confers greater power upon one elector in one district than in another. For instance, two Council districts have *four* members each — and one district but *two* members. Two representative districts have five members each, while *two* others have but *one* each. I do not now refer to the question of population — but to the fact, that an elector in one district is authorized to vote for *five* representatives, while the elector of another district can vote for but one representative. The apportionment which I propose, places each elector in the territory on an equal footing, as to the number of members of the Council or House of Representatives, for whom he may vote. It also secures to the minority in the entire territory the right, by cumulative voting, to secure *one* member of the Council and *two* members of the House if they number one-third of the electors. If they number but one-sixth, they can secure one member of the House, and thus have a hearing in that body.



In the districts, as I propose them, the same right is secured, so that in a majority of districts thus organized, as also in the territory at large, the minority may, by uniting, secure an equitable representation, substantially in proportion to the number of votes which they cast.

No fraud can be practiced in voting this ballot. If an elector desires to give to one person all the votes he is authorized to cast for members of the Council or House, he can do so, by erasing every other name on his ballot, and adding: "I cast my three votes (or my six votes, as the case may be) for Mr.———. If by any attempted fraud, or by mistake, an elector should designate a larger number of votes for any one person than he is entitled to cast, they would not be counted. I believe the adoption of some such plan as I have suggested would commend itself to the great body of electors of both parties in Montana.

Its adoption would do much to abolish the baneful spirit of party, destroy the motives which now exist for the corrupt use of money at elections, and prevent the deliberate frauds which are becoming so alarmingly frequent every year.

It is for you to determine whether any change shall be made in the apportionment of members of the Legislative Assembly, and whether the minority shall have a voice in enacting laws which all must obey, and in the administration of government in which all have an equal interest.

Whatever may be your final determination, let us remember that no system of representation is defensible which defeats the fairly expressed will of the majority, or which fails to secure to the electors of the entire territory an equitable representation in both branches of the Legislative Assembly.

Adopt almost any plan for securing minority representation, which has been suggested by the thinkers of Europe or America, and it will be a vast improvement upon our present system. You will also relieve, in a great measure, every citizen from the despotism of party caucuses and party conventions. So long as the present system is maintained, the citizens of both parties will often be compelled to vote for men to fill important and honorable positions who are nominated by fraud and practices offensive to honorable men.

Should you determine to appoint a committee to examine and report upon the question of minority representation, I will be glad to co-operate with them in perfecting the proposed change, by adding to it such provisions as will secure the practical abolition of all party nominating conventions.

#### FINANCIAL REPORTS.

A modification of the law requiring the Territorial Auditor, Treasurer, and Superintendent of Public Instruction, to make their annual report to the Legislative Assembly *while in session*, will also be found necessary. The collection and disbursement of the public revenues, is a matter of such importance to the people of the territory that they will doubtless prefer to follow the custom long in use among all successful business men, of making annual exhibits.

I therefore suggest that at the close of each alternate year, the Auditor, Treasurer, and Superintendent of Public Instruction, be required to report to the executive, and that he be required to publish, officially, so much of said report as he may deem necessary to inform the people each year of all matters touching the organizations of the public schools, and the financial condition of the territory.

I invite your special attention to the report of the Auditor and Treasurer:—

|   |                     |
|---|---------------------|
| The total amount of property returned for taxation this year is.....                        | \$8,069,076 00      |
| The Treasurer's report shows the total outstanding indebtedness of the territory to be..... | 119,600 00          |
| Balance to sinking fund for the redemption of bonds, June 1, 1870.....                      | 10,339 77           |
| Total indebtedness  | <hr/> \$ 109,261 23 |

#### REVENUE AND LICENSE LAWS.

A careful revision of the revenue and license law is recommended. In its practical working it has been found very oppressive.



I recommend the repeal of section 12, concerning licenses, which imposes a tax of one dollar on each head of cattle, horses, mules, or asses, and twenty-five cents for each head of swine or sheep brought into this territory, and that instead of such an act of prohibition, that a small sum be placed at the disposal of the Secretary to be expended in premiums for the best horses, cattle, sheep, and hogs, brought into the territory within the next two years, as breeders. I suggest that such premiums be awarded under the joint authority of the Secretary and the officers of our annual territorial fairs.

I also recommend the repeal of section 20 of the act concerning licenses, which imposes a tax of *fifteen* dollars, quarterly, upon all *male* persons engaged in the laundry business. It is admitted that this section is oppressive, and was intended to compel Chinamen to pay an unequal and unjust tax.

I shall elsewhere refer to the fact that such exactments are in conflict with our national obligations. What we ask for our own citizens residing in China, we cannot honorable refuse to concede to her citizens residing here. I am informed that this tax averages full twenty-five per cent of the gross earnings of these Chinese laundry-men. Of course such a tax is utterly indefensible.

Your attention is called to the fact that almost every county and city has incurred an indebtedness which all will concede ought not to be increased.

I therefore suggest that you prohibit, by law, the commissioners of counties, or the authorities of cities, from hereafter incurring a debt for any purpose, which shall exceed, in any one year, one-half of one per cent on the valuation of the whole property returned for taxation in such county or city. Only by such means can we pay off the present indebtedness and reduce taxation.

#### IMMIGRATION.

After my appointment, and before coming to the territory, I visited the city of New York for the purpose of acquainting myself with the means which were being employed by a number of states to secure a portion of the desirable immigration which

is voluntarily coming to this country every year from the civilized nationalities of Europe.

I found that Wisconsin, Minnesota, Kansas, and a number of western and southwestern states had appointed commissioners of immigration ; that each were engaged in collecting, preparing, and publishing authentic information as to the climate, soil, productions, and topography of their several states, and sending the facts thus compiled and published to the country whose people they regarded as the most desirable for American citizens and for permanent residents of their respective states.

I learned that the young state of Minnesota had succeeded in securing a large immigration of Norwegians, Swedes and Germans — a population industrious, frugal, and admirably adapted to her rigorous climate and long winters ; men and women fitted by intelligence and education to become worthy American citizens, and valuable residents of such a state. I am am pleased to learn from sources deemed reliable, that she will probably secure this year between fifty and sixty thousand of this very desirable population.

Anxious to promote the best interests of Montana, I selected before leaving New York, Benno Speyer, Esq., to act as Commissioner of Immigration, and requested him to prepare from such material as I gave him, a circular to be used in Europe at once, and advised him that as soon as I could obtain the requisite authority I should want him to translate and publish in German and Norwegian, and perhaps in one or two other languages, such facts touching the mineral and agricultural wealth of Montana, as any person duly authorized might furnish him.

I informed him of the fact that I had no means at my disposal to pay the necessary expenses of postage, translating, and printing, but that I confidently hoped to secure the co-operation of the Legislature and an appropriation sufficient to lay the foundation of an immigration movement commensurate with the wants and unsurpassed advantages of our territory. He at once prepared circulars and sent them to Europe and to the several lines of railroads leading from New York, Philadelphia and Boston westward. With the information obtained by answers to his circulars, he expected at the proper time to make advantageous



contracts with railroad or other transportation companies and be prepared to send immigrants over the best, safest, and cheapest route to Montana.

After reaching the territory, I was advised there would be no meeting of the Legislature this winter; for this reason I have not requested a written report of Mr. Speyer, and am, therefore, unable to advise you of the progress he has made.

As the expenses incurred were made at my request, and without authority of the Legislature, the territory is not responsible for them.

Experience has demonstrated the practicability and importance of well directed immigration organizations. It is estimated by those who have given this subject thoughtful attention, that the number of immigrants which have arrived in the United States this year from the Christian nations of Europe, will number nearly half a million, and that next year the number will exceed half a million. Of this valuable population, the Scandinavian and German constitute more than one-half, and the Irish, at least one-fourth.

Believing in the adaptibility and non-adaptibility of climate to races, and that in our own country, as well as among the civilized nations of Europe, there are those better adapted to the climate, productions, and wants of Montana, than others, I have sought to pave the way for the introduction of that class of immigrants which I regard as the most desirable for this territory. I believe it will be conceded by all practical men who have given this subject any thought, that Montana is better adapted to the hardy races of men and women from Great Britain and Northern Europe than to any race from a tropical climate, whether white or black.

To secure stability and prosperity to our territory, it has been my purpose to bring such European immigrants to Montana as may properly intermarry with Americans and form a homogeneous and thrifty population of civilized Christian men and women, better qualified than any other to aid in laying broad and deep the foundations of an American Commonwealth.

The active and well directed efforts of several states to secure their proportion of this European immigration, is the best evi-

dence of its value. If we desire any of this population as citizens and permanent residents of Montana, the advantages and inducements offered to settlers in this territory must be truthfully and authoritatively placed before them prior to their departure from Europe. To do this, will require some care in the compilation of such information as would naturally be sought after by those intending to seek homes in a new and comparatively unknown country.

If you concur with me in the opinion that immigrants from the countries named are desirable for Montana, I respectfully recommend that a small appropriation be made for the purpose indicated.

✓ The subject of immigration and cheap labor is attracting such general attention that I deem it not inappropriate, in this connection, to say that I am opposed to the introduction into Montana or into the United States, of laborers who are apprenticed for a term of years, no matter from what country they may come. I am also opposed to the importation of laborers from any of the barbarous or semi-civilized races of men, and do not propose to co-operate in any scheme organized to bring such laborers into Montana, or into any part of this country.

#### CHINESE COOLIE TRAFFIC.

The history of the importation of Chinese coolies into the colonies of Great Britain, France, and Spain, and into the United States, under the pretext of necessity for cheap labor, is a history of enormities and crimes only equalled in treachery and atrocity by the horrors of the slave trade. So utterly infernal did this execrable commerce become, that the Congress of the United States was compelled, in deference to public opinion, to denounce against it the severest penalties of the law. The importation of Chinese coolies into the United States to-day, is in violation of the spirit, if not the letter, of our law.

The repeated revolts of these poor wretches on the high seas as soon as they comprehend their true condition, is the best evidence which can be adduced against this indescribable villainy.

On the shores of China these cheap laborers are induced by



false promises to sign contracts, the contents of which they do not understand ; after which they are persuaded on shipboard by their captors, and there retained by fraud and force until the vessel is completely packed with its cargo of human chattels. After a passage at sea which rivals in brutality the enormities practiced in the palmiest days of the slave trade, they are landed on our shores. The Chinese “merchants,” to whom they are consigned, in anticipation of their arrival, make contracts for their labor, as slave masters formerly made contracts for the labor of their slaves ; they also furnish a majority thus brought over, with the scanty clothing and provisions upon which they subsist, and collect their wages from those who employ them, as slave masters formerly collected the wages earned by slaves. This is the kind of labor which the selfishness and cupidity of capital are seeking to introduce into this country, especially into the southern states, under the pretext that “the great want of America is cheap labor.”

As I do not believe cheap labor to be the first nor the greatest want of Montana, or of the United States, I do not propose to aid in the introduction of any race of men into this country with the sole purpose of securing cheap labor. It should be our purpose rather to aid the working men of Montana and America to escape the consequences of a competition with such laborers as Chinese coolies ; a competition which can only be disastrous to them, and advantageous to capitalists and monopolists.

The importations of a large number of cheap laborers from China, or any country whose male adult population can be apprenticed for a term of years and treated as slaves, will, beyond question, reduce the price of labor in this country, and affect injuriously every working man in the nation. Especially will this be the case in the southern states, where such labor can be more profitably employed than in the North. This competition will be felt more immediately and severely by the black men of the south, in the cultivation of rice, sugar, and cotton, than it can be in this territory, or in any northern state.

The American laboring man, whether white or black, is expected to live as a civilized man, and to support and educate a family, and, if need be, fight to maintain the honor and integ-

richness of his country. His necessities and expenses are, therefore, greater than those of these cheap coolie laborers with whom he must compete. The coolie laborer has no family to support or educate; he has no interest in our society or government, and does not expect to become a citizen, and until he does he cannot be forced to enter our army.

The importation of such persons, or of barbarians from any country, or criminals, or diseased persons, or laborers of any race, whose adult population can be apprenticed for a term of years, and transported and treated as slaves, on condition of receiving the wages of slaves, is an offence against civilization, and a crime against free government.

The working men of America, who constitute the glory and strength of our nation, and are the bulwark of our civilization, are called upon, by erratic philanthropists, not only to welcome, but to aid in bringing to our shores millions of these *quasi* slave laborers and barbarians, in order to secure what they proclaim to be the great want of the country, "cheap labor;" and not only so, but they are patronizingly invited by those engaged in this abominable traffic to co-operate with them, and assist in their own degradation.

Fortunately for the best interests of our country and mankind, the practical men of the two great political parties have pronounced against the introduction of coolie labor, or apprenticed labor, or any labor which can be secured by force or fraud. There is a wide distinction between voluntary and involuntary immigration.

No state or territory of the Union, thus far, has made an organized effort to bring so undesirable a population among us. On the other hand, many of the states and territories have appointed commissioners of immigration — such as I have recommended — and have expended large sums of money to aid in securing a fair proportion of the valuable immigration which is *voluntarily* coming every year to our shores from the civilized but overcrowded countries of Europe.

The citizens of every nation with whom we have a treaty of amity and commerce, have secured to them the same rights and privileges in this country which are secured to citizens of the



United States who may be temporarily or permanently domiciled in that country. For this reason, if no other, the citizens of China, who are now in this country, and all who may hereafter come, have the same rights secured to them which we demand for our own citizens while residing in China, in the pursuit of any lawful employment.

It is the duty, therefore, of every state and territory to see that neither the letter nor the spirit of our treaty with that country is violated. In view of this fact, and because the law operates unequally and unjustly, and is a violation of every democratic principle, I have recommended a repeal of section 20 of the license law, which was designed to discriminate against Chinamen, by taxing them fifteen dollars per quarter for the privilege of washing and ironing. Equal and exact justice, no less than good faith on our part, requires that all subjects of China residing in our territory, should be taxed as our own citizens are taxed — no more, no less. Any attempt to evade this just requirement, by “unfriendly legislation,” is inconsistent with the dignity and the character of the American Government.

While advocating and laboring for a complete recognition of the rights of all men, of whatever race or country, and claiming for all, whether citizen or alien, who may be temporarily or permanently domiciled among us, the equal protection of the law, let it be distinctly understood that, when *inviting* and *aid-ing* immigration to our territory, for permanent settlement, that we have a preference as to the character of that immigration, and that we propose to invite and aid those only whom experience has taught us will make the most valuable citizens, as also the most desirable friends and neighbors.

I shall be glad to co-operate with you in the passage of any act designed to secure such an immigration to Montana from the civilized and Christian nations of Europe.

#### PUBLIC SCHOOLS.

To preserve the inestimable blessings of civil and religious liberty, and to teach, practically, the equality of all men before the law, it becomes the duty, no less than the interest, of every

citizen of Montana to aid in providing and maintaining an efficient system of free education for all children within our territory.

Ignorance is the hand-maid of vice, and wherever ignorance and vice dominate in a territory or state, a just government, "protecting all, and granting special favors to none," becomes impossible, and a government of force becomes a necessity. Universal education is the evangel of peace, order, and law, in a republic. It is the best weapon of protection and defence which civilized society can have. By it the minds and hearts of men are prepared to enforce the law of right, rather than the law of might. Believing that an efficient school system will do more to advance Christian civilization, and preserve a truly Democratic Government than all other agencies combined, I invite your early and considerate attention to this the most important of all the interests committed to your care.

The gentleman who, for the past two years, has been acting as School Commissioner, having removed from the territory before my arrival, I am not in possession of such statistical and other information touching the condition of our schools as to justify me in making specific recommendations. Representing as you do, every portion of the territory, you are more familiar with the wants and necessities of our schools than I can be, and I am confident you will supply all the legislation which their fostering care demands.

Before passing from this subject, in which I feel a deeper interest than any other likely to come up before you, I may be pardoned if I make a single suggestion.

Confident that our school system is founded in wisdom and justice, and that it cannot be overthrown by the voluntary act of a free people, I am nevertheless not without anxiety as to the operative causes which may impair its usefulness. The strength of our school system is in the fact that it is free from sectarianism and the baneful influences of party. To maintain the vigor and efficiency of our public schools, it is necessary to guard against building up partisan or select schools. In proportion as denominational and select schools are strengthened our public schools will be weakened. The opponents of our public school system long



ago learned the most vulnerable point of attack. They make their appeal to the rich and the fashionable, and especially to those who are earnestly sectarian. They assume that denominational and select schools are more genteel, more efficient, and above all, more religious; while they allege that the daily intercourse of the children of the rich and fashionable with the children of the poor in our public schools is demoralizing and morally dangerous. They declare that our teaching is inefficient and superficial, and in antagonism to true religion. I maintain, on the other hand, that the crowning glory of our school system is the fact that the children of the rich and the poor sit side by side in all our public schools, and that the child of the poor man is at the head of his class oftener than the child of the rich man; that it leaves to the family, the Sunday School, and the Church, the religious training of all, and carefully excludes from every school all party and sectarian instruction; that in this daily contact of the children of all classes, each is better qualified for the practical duties of life, and their responsible duties to the state; that they learn with every lesson to respect intellectual and moral worth rather than riches and position, and thus at the very foundation of our political structure, the youth of our land are taught that the American Government recognizes neither class nor caste; that no citizen has any special advantage, the one over the other, by reason of law or usage; and that the teaching of sectarianism is no part of the duty of a free state.

Every independent school, whether select or sectarian, is necessarily a rival of our public schools, whether intended by their patrons and friends to be so or not, and however earnest and conscientious the supporters of such schools are, and as I know many of them to be, I am fully persuaded that the highest and best interests of all demand that neither denominational or select schools shall be fostered at the expense of our public schools. I therefore urge upon you the adoption of such measures as will strengthen and make more efficient the free schools of our young territory; that you will provide ample compensation for teachers and a sufficient fund for building suitable and substantial school buildings, with modern improvements, in every locality demanding them. Let us make our school

houses more comfortable and commodious, and their surroundings more attractive than the haunts of vice, and we shall thus publicly recognize the fact that children have rights as well as men.

#### SPECIAL LEGISLATION.

In 1864, Congress, representing the sovereignty of the nation, organized a territorial government for the protection of its citizens residing on the public domain within the boundaries which now mark Montana. In conferring upon its citizens authority to organize local civil government, it provided, "that the legislative power should extend to all rightful subjects of legislation consistent with the constitution of the United States, and the provisions of the Organic Act."

An examination of the acts of the Legislative Assembly of this territory since its organization, is well calculated to raise the question, whether the protection afforded the citizen by its local government compensated for its legalized oppression.

I do not now refer to the unnecessary and oppressive taxation which has eaten out the substance of the people and paralyzed the business interests of the territory; nor to the immense sums of money collected and expended by county and territorial officials; nor to the extraordinary indebtedness entailed upon the people by county and territorial authority. I may say, however, in passing, that the gross amount of money thus expended, when added to the gross amount of our indebtedness for all purposes, surpasses anything in the history of local civil government with which I am acquainted, for extravagance and reckless expenditure.

It is well known that but a small per cent of the proceeds of the territorial and county indebtedness, and of the vast sums collected and disbursed for the past five years, have been expended for property which is now owned by any city or county, or by the territory.

From all the information I have been able to gather, the entire property of all kinds and descriptions owned by cities, counties, and the territory, would not, in the aggregate, be valued at twenty per cent of the gross amount collected and disbursed



since our territorial organization. This would leave something like 80 per cent of the entire amount collected, to be expended "for other purposes." Of the extraordinary amount thus collected and expended, but a small portion has been paid out to improve the streets of cities, or the public highways, or to build bridges; on the other hand, almost every public highway and stream within the territory has been committed, by special act of the Legislature, to the guardian care of a favored few, who have volutarily imposed upon themselves the convenient occupation of living at the public expense.

An examination of the laws of Montana discloses the astounding fact that prior to the amendment by Congress of our Organic Act, which prohibited the Legislative Assembly from granting special charters, a majority of all the acts, memorials, and joint resolutions, passed by the several Legislative Assemblies of this territory, were of a private character.

A large majority of these private acts conferred extraordinary privileges on a few individuals, and, of necessity, excluded from their enjoyment the great body of our citizens. And I speak with moderation when I say that many of these so-called laws authorized persons to do acts which were little better than legalized highway robbery. The whole territory was shingled with special franchises, so that travelers, and packers, and freighters, found in every canon, on almost every water-course, and on many broad and level plains, a toll collector, who demanded, as a condition to the passing of each, from *one* to *three* dollars. The smallest amount demanded at any toll-gate, as a rule, is *one dollar*. At rickety bridges, which are often unsafe for man or beast, from one to three dollars.

It is generally conceded that not more than one day's work to the mile, in any year, has ever been put on a majority of all these roads by the parties collecting toll on them. The greater portion of the road from the Capital to Corinne, Utah, which is the depot for Montana on the Pacific Railroad, was used by immigrants and freighters, and a daily line of stages, before charters were granted for a toll road over its entire length. It is also claimed that the stage and express companies expended more labor on this route, than those who hold the franchise. A team going to



or returning from Corinne, Utah, to Helena, is compelled to pay over *forty dollars toll* for the privilege of passing over one of the most remarkable natural highways in the world, and on which it is claimed that there has never been expended on each mile of the road, by persons claiming it, the labor of one man for one day in each year. For every ton of freight which passes over this road from Corinne to Montana, the people of this territory are compelled to pay a tax of at least twenty dollars. It remains for you, gentlemen, to say whether this legalized plunder of the people shall continue.

I deny that the granting of such franchise is a "rightful subject of legislation." I also deny the right of the Legislative Assembly to grant special franchises over lands to which the Indian title has not been extinguished.

Every act of special legislation, which enables one man to obtain a living without labor, is an unjust and oppressive tax upon society. Every law which gives one man an advantage over another is an outrage upon justice, and a violation of the democratic idea in government. In a country of equal rights, there should be equal laws, so that no man could take from another a single dollar without returning him a fair equivalent. No man who ever passed over any of these toll roads will pretend to claim that he received anything like an equivalent for the toll which he was compelled to pay.

The first and highest duty of the legislature is to protect the laboring man from the grasping avarice of capital. I have looked in vain for any general or special act of the Legislative Assembly, from its organization to your present meeting, to secure the benefit of association or organization to any class of laboring men. Nowhere a single act to promote the agricultural development of the territory, save one, which authorized the organization of a Territorial Agricultural Society, graciously permitting it to exist by paying a tax of *one hundred dollars a year*. Instead of protection to labor and encouragement to agriculture, I find, in every edition of our statutes, every conceivable form of legislation which the ingenuity and cupidity of man can devise to aid, by special franchises, a few to secure a living at the expense of the many. If labor cannot be helped by legislation, it

has, at least, the right to demand that it shall not be taxed for the benefit of a favored few.

In view of the wholesale plunder to which the people of the territory have been subjected by legislative authority, I earnestly recommend the repeal of *all* special charters granted by prior Legislative Assemblies, and that such companies or associations whose continued existence you may regard as indispensable to the public welfare, be permitted to reorganize within one year, under our general act of incorporation, under such rules and regulations as you may prescribe. I also recommend that you prepare a memorial to Congress, asking for the abolition of toll roads from Montana, through Idaho, to Corinne, Utah.

Your attention is specially directed to the fact that county commissioners are authorizing persons to erect toll gates and build toll bridges and collect enormous tolls; thus assuming to grant special franchises, an authority which Congress has denied to the Legislative Assembly. Your familiarity with this matter will enable you to adopt the legislation needed to defeat this new usurpation of authority.

I recommend the passage of a general law providing for the municipal organization of cities of the first and second class, with such safeguards as shall more effectively secure the rights of persons and property in cities and towns. I also suggest that you prohibit the mayor or councilmen from receiving any compensation for their services.

I suggest that the Territorial Auditor be directed to fix the amount of toll which may be collected by all roads, bridge or ferry companies, which you may authorize to reorganize, basing his estimates of the value of each road, bridge, or ferry, on the returns made by its owner for taxation, and that the owners of all roads, bridges, and ferries be required to keep an account and report quarterly to the county treasurer of each county the number of teams and animals passing over any bridge, road, or ferry, and the amount of toll collected. And that no greater toll shall be collected than will secure twenty-five per cent annually on the value of the property as returned for taxation. And that for every violation by the claimant or keeper of any toll bridge, toll gate, or ferry, of any of the provisions of the law you may see

proper to enact, that the person so offending shall, on conviction, forfeit and pay a fine of not less than fifty dollars, or be imprisoned in the county jail thirty days, and fed on bread and water, or both, at the discretion of the court.

I also specially recommend that it be made by law the duty of all district attorneys to defend all citizens arrested at the instance of any party claiming to own or collect toll at any bridge, or toll gate, or ferry, for refusing to pay any greater sum as tolls than those fixed and published by the Territorial Auditor.

#### NORTHERN PACIFIC RAILROAD.

It affords me pleasure to be able to say that the early completion of the Northern Pacific Railroad may now be regarded as a fixed fact.

The recent examination of the proposed route, by the party under the direction of Thomas H. Canfield, Esq., from Puget Sound, through Montana, eastward as far as the Yellowstone or Bozeman pass, established to the satisfaction of the gentlemen composing that party the practicability of the entire route.

Had the company which built the present Pacific road been familiar with the country through which the Northern Pacific is to pass, that road would, undoubtedly, have been built through Montana. Here we seldom have snow sufficient on the proposed route to impede the ordinary speed of a railroad train. Up to this writing (Dec. 8th) we have had no snow on the entire route through the territory. Not a mile of snow sheds will have to be built in this territory over the Northern Pacific, while the road will pass in Montana, through agricultural and timbered lands of more value than all the lands on the Central road, from the Missouri river to the Pacific ocean. In addition to this, there is more coal and iron in Montana than in Pennsylvania, more valuable pine timber than in the states of Maine, New York and Pennsylvania, or in Michigan and Wisconsin; more rich agricultural land than in Ohio, besides millions of acres of grazing lands which are not equalled on the continent, and on which horses, mules, cattle, and sheep subsist and fatten *in the winter months*, without other food or shelter.

Our gold, and silver, and lead, and copper mines, equal in



richness and are far more extensive, and eventually will prove more valuable, than those of Nevada and California. When our numerous but undeveloped material resources come to be known, and the fact that we have a climate vitalizing to health, and more desirable than the climate of northern Ohio, Indiana and the adjacent states in the north and west, northern capital will promptly aid in the early completion of the Northern Pacific, and immigrants will pour into Montana, as they never have before.

#### FIFTEENTH AMENDMENT.

I congratulate you upon the fact, now conceded, that the National Constitution will soon be so amended as to conform to our new condition as a nation. The great privilege of the ballot will thus be secured by national authority to every citizen of the United States of mature years, whether native or foreign born, white or black. This welcome consummation secures the triumph in our government of the true democratic idea. In conferring the privilege of the ballot, the equal rights of all men are recognized, and the government becomes the agent of the citizen, instead of his master. Every citizen thus enfranchised, has placed in his hands the most formidable weapon of protection and defense known to a republican government. Experience teaches us that the ballot gives every man dignity and power, and all know that its proper use will secure him justice and a government administered in the interest of civilization and peace. It becomes our duty to conform our laws to the National Constitution. I therefore recommend that our election law, which prescribes the qualification of electors, be amended by copying the exact words of the fifteenth amendment. Whatever differences there may be as to its true interpretation, it will eventually be judicially determined, and thus all exciting questions touching the qualification of citizen electors in states and territories will practically pass from the political arena.

#### INDIAN TREATIES.

The citizens of Missoula county, residing in the Bitter Root Valley, have called my attention to the fact that a treaty has

recently been made with the tribe of Flathead Indians, whereby a large reservation is proposed to be set off to said Indians, about the center of the valley, and extending from the summit of the mountains on the west, across the valley to the summit of the mountains on the east. The people residing in that valley, now numbering about seventy families, are justly alarmed at this proposition. A majority of the settlers own improved farms, and many of them are of great value. They have resided on them without interruption for eight or ten years. They have built school houses and churches, and are surrounded with all the requirements of civilization. To make these improvements has required the labor of years. The establishment of an Indian reservation now in the very heart of this valley, will be an injustice for which there can be no shadow of excuse. It will, therefore, give me pleasure to unite with you in any proper protest and memorial to the Senate of the United States against the ratification of this treaty, or the ratification of any other treaty with this or any of the numerous tribes or bands of Indians which are roving over all parts of the territory.

The time has come when the people of the western states and territories ought to demand that henceforth the national government shall refuse to recognize the right of any tribe or band of wandering savages to make war or peace at pleasure. Treaty-making with all Indian tribes ought to cease, as also the policy of providing them with reservations as large as a number of our states, from which explorers and miners are excluded, and citizens denied the right of passage, while bands of Indians are permitted to roam at will over the entire territory.

The practical working of our Indian policy from the organization of the government to this time, has been an offense against civilization. As I have but little hope of seeing a change in our Indian policy while an Indian survives, I make no suggestions touching Indian affairs. The Indian Superintendency for Montana is committed to the care and management of an able and experienced army officer, whose familiarity with frontier life among Indians entitles him to our confidence. Major General Hancock, commander of this military department, and General De Trobriand, commander of the district of Montana, have both

written and assured me that no effort shall be wanting on their part to protect the lives and property of our citizens who are exposed at isolated points to the plundering attacks of roving bands of Indian thieves.

#### INDIAN WAR DEBT.

In the spring of 1867, the settlers in the Gallatin Valley were threatened with an attack from a roving band of Sioux, assisted by Blackfeet and Crow Indians.

After laying waste a large portion of Minnesota, and massacring hundreds of citizens of all ages and sexes, this band of Sioux moved southward, committing depredations through Dakota, Wyoming, and a part of Colorado, and finally united with the hostile Indians in the valley of the Yellowstone.

It is well known that the Sioux are the most dangerous and formidable of all our Indian tribes. So war-like and savage are they, that the very name of Sioux is a terror alike to the friendly Indians and whites in the eastern part of Montana.

From the Yellowstone into the valley of the Gallatin, by the Bozeman Pass, access is so easy that this roving band of hostile Indians were not long in their new quarters, before they showed unmistakable signs of hostility. Able as these savages were to muster on short notice a well organized force of experienced and successful warriors, the settlers in the Gallatin were in a constant state of anxiety and alarm.

It is now believed that had these Indians at that time known the defenceless condition of the territory, they would have laid it waste by the torch and tomahawk, as they did in Minnesota. On the appearance of the Indians near the Bozeman Pass, a number of families left the valley and never returned.

Those who remained gathered their families and effects together, and after consultation, determined to remain if they could procure aid. They therefore dispatched couriers to Helena, one hundred and twenty miles, and to Virginia City, seventy odd miles, for assistance. General Meagher, then the acting Governor, telegraphed the Secretary of War, at Washington, and General Sherman, at St. Louis, for authority to raise a regiment to go to the protection of the Gallatin settlements. After obtaining



such authority as the acting Governor thought sufficient, he issued a proclamation calling for eight hundred volunteer cavalry. Hundreds of our brave and generous citizens responded with alacrity, and were at once enrolled, armed and equipped, and marched through the valley of the Gallatin to the Yellowstone.

Though the Indians did not make the anticipated raid, it is now believed that but for the prompt appearance of so large and formidable a military force, the scenes enacted in Minnesota would have been repeated.

The expenses incident to calling out these troops have never been paid by the government.

I have made such inquiry touching the matter as satisfies me that the exigency which required them, was of such a character as to justify it.

Property to a large amount was furnished in good faith by citizens, on the supposed credit of the government. My attention has been called to the fact that many citizens of the territory, in their zeal and public spirit, advanced almost all their entire means, on the assurance of the Governor that they would be paid. A number of these citizens are greatly embarrassed to-day, because of the failure of the Government to pay them. I will take pleasure in transmitting such joint memorial to Congress as you may deem proper to pass, asking for an appropriation to pay so much of this indebtedness as on examination may be found just.

A memorial asking Congress to authorize the President to appoint a commission to consist of two officers of the regular army and one citizen of the territory, with authority to examine each claim, and pass upon and pay such as they find to be just, will meet my approval. The appointment of two officers of the regular army acquainted with frontier life, and the cost of arming and equipping men for such an expedition, would be satisfactory to the citizens who hold these claims against the Government.

With such a commission in the territory, authorized to take testimony, and with full power to pass upon and reject every account, I feel confident the honest claims could easily be separated from those alleged to be fraudulent and unauthorized.

## APPROPRIATION FOR RIVERS.

In my recent trip in a small boat down the Flathead river and Clark's Fork of the Columbia, I was pleased to find a river which, with a small outlay, can be made navigable for at least one hundred miles above Thompson's Falls. Below the Falls there are now two fine steamers, recently built, in anticipation of a large immigration to that country. One of these boats has recently made a trip from the cabinet up to the Falls.

It is contemplated to put a steamer on above the Falls at an early day.

The recent Pacific Railroad party report that their measurement of the water at Thompson's Falls gave six times the volume which flows in the Ohio at Wheeling, Virginia, at an ordinary stage.

I recommend that a memorial be prepared asking Congress for a small appropriation to remove obstructions from the Missouri river, below Fort Benton, and if on examination it be deemed necessary, that Congress be asked to declare the Clark's Fork and the Flathead river, and the Missouri, above the Falls, navigable rivers.

The territory has not secured titles to the lands or lots on which are built the territorial arsenal in this city (Virginia) and Helena.

In case the cities of Helena and Virginia do not donate the land thus occupied, before you adjourn, I recommend that an appropriation sufficient to pay for the same be made, and that the Secretary be directed to file the necessary papers at once, and perfect for the territory title to said property.

## AGRICULTURAL AND MINING INTERESTS.

I am not in possession of any statistical information touching our mining or agricultural interests.

Of the number of gold and silver quartz mills erected and the number being erected, I am unable to speak; nor am I able to give you any information as to the number, extent, or value of our placer mines, or the amount of bullion taken out this year.

It is generally alleged that owing to the entire absence of snow last winter, and the consequent deficiency of water, the amount is less than usual.

The number of miles of ditches built this year is said to be greater than ever before, and with a fair fall of snow in the mountains this winter a prosperous mining season is confidently predicted.

Our agricultural resources exceed my most sanguine hopes.

I have passed over the greater part of the settled portions of the territory, and I never saw finer crops growing. The productiveness of the soil exceeds that of any of the old states in which I have resided.

At our territorial fair, Major J. F. Forbis, now one of the members of the House from Lewis and Clark county, was awarded the premium for the best acre of winter wheat. Eighty-two bushels and thirty-eight pounds was the yield, and the entire field averaged over fifty bushels to the acre. I have been shown a number of fields from which seventy-five and one hundred bushels of oats to the acre have been harvested this year. In another year Montana will import no more breadstuffs, and in five years she will export largely of all cereals.

Almost everything grown in New England, New York, Canada, northern Ohio, Indiana, Michigan, Wisconsin, and Iowa will yield a greater crop in Montana.

In the Auditor's report you will find that 207,042 $\frac{5}{8}$  acres are under cultivation this year.

The number of acres of land entered and pre-empted by agriculturists this year, exceeds that of any other. This is the best evidence which can be presented of the permanent growth and future of Montana.

Congratulating you on the bright future which, under proper administration, awaits the territory, I welcome you, the chosen guardians of its interests, to the Capital, and am now prepared to co-operate with you in the enactment of such laws as, on a comparison of views, may be deemed necessary to secure the continued prosperity of her people.

JAS. M. ASHLEY.



“A.”

The People of the Territory of Montana *ex. rel.* James L. Fisk, and James L. Fisk, plaintiff, *vs.* W. H. Rodgers, defendant.

This cause came up for hearing on this 1st day of December, A. D. 1869, upon motion of said plaintiff that judgment be rendered therein upon the complaint and answer of said parties. After hearing the arguments of counsel, the court finds the following facts; to-wit:—

That the defendant, on the — day of November, A. D. 1867, was elected by the Legislative Assembly in joint convention, and duly commissioned by the Governor as Territorial Auditor, to hold the same until the general election in 1869.

That defendant took the oath prescribed by law, and filed bond, with sufficient sureties, in the sum of \$10,000, which was approved.

That defendant thereupon entered upon the discharge of his official duties, and has ever since continued so to do.

That at the general election, held upon the first Monday in August, A. D. 1869, defendant received a majority of all the votes cast for said office, took the prescribed oath, and entered into a bond conditioned for the faithful discharge of his official duties as required by law, in the sum of \$10,000, with sufficient sureties.

That defendant duly presented and offered to file the same in the office of the Secretary of said territory, who refused to file or receive the same.

That defendant has been, and still is, in the actual discharge of the duties and in the enjoyment of the emoluments of said office.

That the Governor of said territory, upon the 28th day of August, A. D. 1869, nominated and appointed James L. Fisk to said office, subject to the advice and consent of the Legislative Council of said territory.

That the said Fisk, on the 13th day of September, A. D. 1869, took the prescribed oath of office, and entered into an official bond in the sum of \$10,000, with sufficient sureties as required by law, which was then duly approved, and filed in the office of the Secretary of said territory.

That thereafter, the said Fisk was, in due form of law, commissioned by the Governor of said territory as such Auditor, to act until the next session of the Legislative Assembly.

That, on the 20th day of September, A. D. 1869, said Fisk gave notice to said defendant of said nomination and commission, and demanded possession of said office and the property and appurtenances incident thereto; and that defendant refused, and still refuses, to deliver such possession, and continues to hold the same and execute the duties thereof.

Whereupon, it is further found by said court, as conclusion of law, as follows: —

That the Organic Act, section 7, provides the manner of filling offices. Township, district, and county officers are to be elected or appointed in such manner as shall be provided by the Governor and Legislative Assembly; and the Governor shall nominate, and, by and with the consent of the Legislative Council, appoint, all officers not herein otherwise provided for.

That the Act of the Legislative Assembly of November 16, 1867 (page 72), provided that the Territorial Auditor should be elected by the Legislative Assembly, in joint convention, and commissioned by the Governor, and hold until the general election in 1869, when he should be elected by the qualified voters, and commissioned by the Governor, and hold for two years, and until his successor was elected and qualified. It also fixes events which shall constitute a vacancy in office, among which are "removal by law," and the decision of a competent tribunal declaring void his election or appointment. The Governor may then appoint some suitable person to perform the duties of said office until the next general election.

The Act of December 13, 1867, provides that, whenever a vacancy shall occur in this office, the Governor, by and with the advice and consent of the Legislative Council, shall appoint some suitable person to perform the duties of such office, until the general election next following such appointment.

That the office of Territorial Auditor is not a township, district, or county office, and, not being otherwise provided for by the Organic Act, must be filled by appointment by the Governor, by and with the advice and consent of the Legislative Council.

That the election of the defendant by the joint convention of the two Houses of the Legislative Assembly, his commission thereunder, and his election by the qualified voters of the territory, on the first Monday of August, A. D. 1869, were illegal and void. That such election and commission constituted defendant Auditor *de facto*, and that, as to third parties, during his continuance in said office, and prior to the rendering of this judgment, his acts are void.

That, under the Acts of the Legislative Assembly, and in the exercise of the executive power of the territory, the Governor has the power to appoint a suitable person to perform the duties of the office, in case of a vacancy occurring therein during the vacation of the Council, subject to the advice and consent of the Legislative Council, at its next ensuing session.

Wherefore, it is ordered and adjudged, that the defendant, William H. Rodgers, be excluded from said office of Territorial Auditor, and pay the costs of this action; and that the relator, James L. Fisk, is legally entitled to perform the duties of said office, and possess the property, and receive the endowments thereof.

And to the finding of the law and facts as herein stated, the defendant at the time excepted; and to the rendition of this judgment and decree, and to the ruling and opinion of the court therein, the defendant at the time excepted.

House resumed at 3½ o'clock P. M. Mr. Speaker in the chair.

S. R. Elwell, member from Deer Lodge, was sworn in.

Moved by Mr. Smith, that the House rules of the last session be adopted by this House. Carried.

Moved by Mr. Wann, that a committee of three be appointed to meet a like committee from the Council, to adopt joint rules. Carried.

Messrs. Barrett, Smith, and Cockerill were appointed said committee.

Moved by Mr. Boswell, that the House adjourn *sine die*.  
Lost by the following vote:—



*Ayes* — Messrs. Boswell, Elwell, Forbis, Murphy, Pounds, Scott, and Smith — 7.

*Nays* — Messrs. Barrett, Bailey, Browne, Cope, Cockerill, Hickman, Jordan, Lamine, Wann, Williams, and Mr. Speaker — 11.

On motion of Mr. Barrett, House adjourned until to-morrow 10 o'clock A. M.

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## EIGHTH DAY.

DECEMBER 13, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — absent, Messrs. Bass, Cooper, Collins, Forbis, Gibbs, Hickman, Hamilton, Healy, and Jordan.

Minutes of Saturday read and approved.

Chair announced the standing committees of the House.

*Ways and Means* — Messrs. Bailey, Cooper, and Jordan.

*Judiciary Committee* — Messrs. Lamme, Barrett, and Forbis.

*Internal Improvements* — Messrs. Scott, Hickman, and Elwell.

*Public Lands* — Messrs. Cockerill, Williams, and Bailey.

*Federal Relations* — Messrs. Smith, Wann, and Healy.

*Education* — Messrs. Forbis, Jordan, and Cockerill.

*Towns and Counties* — Messrs. Browne, Williams, and Cope.

*Military Affairs* — Messrs. Cope, Cockerill, and Murphy.

*Incorporations* — Messrs. Williams, Cope, and Boswell.

*Agriculture and Manufactures* — Messrs. Jordan, Bass, and Bailey.

*Elections* — Messrs. Boswell, Hamilton, and Cope.

*Indian Affairs* — Messrs. Hickman, Cockerill, and Healy.

*Mines and Minerals* — Messrs. Smith, Murphy, and Wann.

*Engrossment* — Messrs. Wann, Smith, and Cooper.

*Enrollment* — Messrs. Barrett, Williams, and Gibbs.

*Printing* — Messrs. Pounds, Forbis, and Healy.

*Territorial Affairs* — Messrs. Browne, Elwell, and Bass.

*Roads and Highways* — Messrs. Murphy, Scott, and Collins.  
*Finance* — Messrs. Forbis, Cope, and Pounds.

Moved by Mr. Barrett, that fifty copies be printed for the use of this House. Carried.

The committee appointed to wait on the Secretary, reported progress and asked until two o'clock this p. m. to make a final report.

Report accepted and time granted.

Notice was given of the introduction of the following bills : —

By Mr. Barrett — “An Act to amend the school law.”

By Mr. Elwell — A Bill to legalize the action of the Treasurer of Deer Lodge county, in paying certain moneys out of the county treasury ; also, an amendment to sec. 7 of an act entitled “An Act providing for the collection of revenue.”

By Mr. Forbis — A Bill to amend sec. 7 of the revenue law.

By Mr. Smith — A Bill to repeal the charter, known as the Parsons or King and Gillett toll road from Virginia City to Helena.

By Mr. Barrett — A Bill concerning the payment of jurors.

By Mr. Jordan — A Bill to repeal the act creating the office of Territorial Superintendent of Public Instruction.

By Mr. Cope — A Bill to amend sec. 28 of the revenue law.

By Mr. Barrett — A Bill to repeal an act entitled “An Act to prevent officers from dealing in certain securities.”

By Mr. Forbis — A Bill to authorize the Treasurer to pay off territorial bonds.

By Mr. Elwell — A Bill to authorize the county commissioners to call extra sessions of their body.

By Mr. Williams — A Bill for the removal of the seat of government.

By Mr. Boswell — A Bill concerning the killing of game at certain seasons of the year.

By Mr. Cockerill — A Bill to legalize an act of the county commissioners of Gallatin county in paying the assessors for 1869 out of the public fund of the county.

Moved by Mr. Wann, that the Secretary of the territory be requested to have printed one thousand five hundred copies of the Governor's message, for the use of this House. Carried by the following vote:—

*Ayes*— Messrs. Barrett, Brown, Cope, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 15.

*Nays* — Messrs. Bailey, Boswell, and Hickman — 3.

Moved by Mr. Barrett, that the Chief Clerk be instructed to present to the Secretary a copy of the following resolutions. Carried.

Moved by Mr. Barrett, that the Committee on Printing be requested to make specific contracts for all printing which may be required by the House. Carried.

Moved by Mr. Barrett, that the Sergeant-at-Arms be instructed to procure saw-dust for the purpose of covering the floor. Carried

Moved by Mr. Barrett, that the House take a recess until 2 o'clock P. M. Carried.

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TWO O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called — absent, Messrs. Bass, Cooper, Collins, Gibbs, Hamilton, Healy, Smith, and Wann.

The following communication was received from the Secretary: —

SECRETARY'S OFFICE, M. T., }  
VIRGINIA CITY, Dec. 13, 1869. }

*Gentlemen of the House of Representatives: —*

Your resolution of this date, asking me to have fifteen hundred copies of the Governor's Message printed for the use of the House, is received, and in reply, I have the honor to state that, government not having furnished me with the necessary funds



to pay for the printing, and those in authority at Washington having refused to allow me to issue vouchers for such expenses, I find myself unable to comply with your request.

Very respectfully,

Your ob't serv't,

W. S. SCRIBNER,

*Secretary.*

Communications received from the Council, of notices, bills, &c., as follows: —

By Mr. George — A Bill entitled “An Act to repeal an act entitled, ‘An Act providing for the collection of revenue, approved December 23, 1867.’” Also, a Bill entitled “An Act to repeal an act entitled ‘An Act to prevent officers from dealing in certain securities, approved Feb. 2, 1865.’”

By Mr. Word — A Bill entitled “An Act to amend an act to regulate proceedings in civil cases in the courts of justice in Montana territory.” Also, “An Act to amend an act entitled ‘An Act defining the Council and Representative districts in the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved December 13th, 1867,’ and repealing a certain act.”

By Mr. Edwards — A Bill entitled “An Act to amend an act entitled ‘An Act relating to counties and county officers, approved January 11th, 1869.’”

By Mr. English — A Bill defining the duties of “Notaries Public.”

By Mr. George — C. B. No. 1, entitled “An Act to repeal an act entitled ‘An Act to provide for the collection of revenue, approved December 23d, 1867.’”

Also, by Mr. Word — C. B. No. 2, entitled “An Act to amend an act entitled ‘An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved December 13th, 1867,’ and repealing a certain act.”

Also — That the Council has adopted the following resolution: —

*Resolved*, That the committee of the Council on printing act in concert with a like committee of the House, to furnish all necessary books, stationery, lights, fuel, and printing, for the use of the present Legislature.

Also — That the Council have appointed Messrs. Barnes, Jones, and Watson a Special Committee on Joint Rules, to act in conjunction with a like committee of the House.

Also, by Mr. Mitchell — Notice of a bill to dissolve the bonds of matrimony between Olive Boody and George W. Boody.

The committee appointed to confer with the Secretary of the territory, regarding the furnishing of books, stationery, &c., reported having waited on the Secretary, and offer his accompanying reply.

SECRETARY'S OFFICE, M. T., }  
VIRGINIA CITY, Dec. 13, 1869. }

*Messrs. Barrett, Smith, and Jordan, Committee of House of Representatives :*

GENTLEMEN — Your communication of this date, informing me that you had been appointed a committee by the House of Representatives of the Legislative Assembly to request me to furnish books, stationery, &c., for the use of said House during its session, is received.

In reply, I have the honor to state that, under instructions from the Department at Washington, informing me that no appropriation had been made for legislative expenses this winter, and the proper authority declining to allow me to issue vouchers for such expenses, prevents me from incurring any indebtedness on the part of the Government on account of the present session.

Very respectfully,

Your ob't serv't,

W. S. SCRIBNER,

*Secretary.*

On motion of Mr. Cope the report was received and adopted, and committee discharged.

Committee appointed by the House to meet a like committee from the Council to agree on joint rules, reported having adopted the joint rules of the last session.

On motion of Mr. Cope, report received and adopted, and committee discharged.

Notice was given of the future introduction of the following bills: —

By Mr. Bailey — Of a Bill authorizing the county commissioners of Madison county to issue fifteen thousand dollars in county bonds, to apply upon the construction of the Capital Ditch, in Madison county.

By Mr. Forbis — Of a Bill regulating the salary of the Territorial Auditor, and also, for setting apart an additional per cent to the sinking fund for the payment of the same.

By Mr. Wann — Of a Bill to repeal portions of an act entitled “An Act to amend an act entitled ‘An Act defining the Council and Representative districts of the territory of Montana, and apportioning the members of the Legislative Assembly, approved Dec. 13, 1869.’”

Also, the act amending the same, approved January 15th, 1869, and to fix the time when the Legislative Assembly of this territory shall hereafter convene.

By Mr. Lamme — Of a Bill to repeal an act entitled “An Act to protect and regulate the irrigation of land in Montana territory, approved January 15th, 1865,” and to make provision for the construction of ditches, and the irrigation of agricultural lands.

By Mr. Cope — Of a Bill to amend an act amendatory to “An Act securing liens to mechanics and others.”

By Mr. Murphy — Of a Bill relative to the working and holding of quartz ledges hereafter.

By Mr. Pounds — Of an Act to amend section 12 of an act concerning licenses.

Mr. Barrett (by consent, without notice), introduced H. B. No. 1, “An Act to amend an act entitled ‘An Act establishing a



common school system for Montana territory, approved February 7, 1865.' " Read first and second times, and referred to Committee on Education.

Mr. Elwell (by consent, without notice), introduced H. B. No. 2, " An Act authorizing the treasurer of Deer Lodge county in paying certain moneys. Read first and second times.

Moved by Mr. Boswell, that the bill be referred to a select committee of three. Carried.

Speaker appointed Messrs. Boswell, Pounds, and Elwell as said committee.

Moved by Mr. Elwell, that no case of divorce be entertained by this House at its present session. Carried.

Moved by Mr. Wann, that a committee of three be appointed to meet a like committee from the Council, to provide necessary lights, fuel, stationery, &c., for the use of the Legislature, on the best terms they could. Carried.

Speaker appointed Messrs. Wann, Forbis, and Barrett as said committee.

Moved by Mr. Wann, that a vote of thanks be tendered to Messrs. Lichel and Mahan, for their kindness in preparing and fixing the hall for the use of this House. Carried.

Moved by Mr. Pounds, that the privileges of the floor of this House be extended by the members of the press and legal fraternity. Carried.

The following report was received from the Territorial Treasurer: —

TREASURER'S OFFICE, M. T., }  
VIRGINIA CITY, December 1, 1869. }

*To the Honorable Council and House of Representatives of Montana Territory: —*

GENTLEMEN:—In compliance with the requirements of law, I have the honor to submit the following report of the transactions of this office for the year ending November 30, 1869.

The receipts were as follows: —

|  |             |             |
|--|-------------|-------------|
| From Madison county treasurer.....     | \$10,432 06 |             |
| “ Beaver Head “ “ .....                | 2,247 43    |             |
| “ Missoula “ “ .....                   | 2,316 14    |             |
| “ Deer Lodge “ “ .....                 | 9,733 38    |             |
| “ Lewis and Clarke “ .....             | 17,792 89   |             |
| “ Jefferson “ “ .....                  | 2,297 23    |             |
| “ Meagher “ “ .....                    | 1,681 75    |             |
| “ Gallatin “ “ .....                   | 3,039 20    |             |
| “ Choteau “ “ .....                    | 3,463 50    |             |
| To Multiple Bonds.....                 | 133 41      |             |
| “ balance on hand Nov. 30th, 1868..... | 170 97      |             |
|  | <hr/>       | \$53,307 96 |

## DISBURSEMENTS.

|  |             |             |
|--|-------------|-------------|
| By 25 per cent fund of \$53,136.99.....                                | \$13,284 25 |             |
| “ amount paid for printing bonds.....                                  | 100 00      |             |
| “ “ “ “ advertising warrants.....                                      | 38 50       |             |
| “ “ “ “ fuel .....   | 12 50       |             |
| “ “ “ “ stationery and stamps.....                                     | 18 00       |             |
| “ “ “ “ territorial map.....   | 8 00        |             |
| “ “ “ “ office chair.....  | 6 50        |             |
| “ 5 per cent of \$25,000, Treas. fees....                              | 1,250 00    |             |
| “ 3 per cent of \$28,136.99, Treas. fees.....                          | 844 10      |             |
| “ Auditor's receipts for warrants and interest paid and cancelled..... | 35,855 40   |             |
| “ balance on hand to redeem advertised warrants.....                   | 1,890 71    |             |
|  | <hr/>       | \$53,307 96 |

Twenty-five per cent to pay interest on Bonds..... \$13,284 25

By Coupon Interest due and paid June 1st, 1869 .....\$ 4,620 10

By Coupon Interest due and paid Dec. 1st, 1869 ..... 4,770 00

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\$ 9,390 10

Balance to Sinking Fund ..... \$ 3,894 15

|   |             |
|---|-------------|
| Balance to Sinking Fund, as per report Nov. 30, 1868.....                             | 6,464 95    |
| Total amount of Sinking Fund for redemption of Bonds, June 1st, 1870.....             | \$10,359 10 |
| Amount certificates filed for bonding under "An Act, approved January 12, 1869 "..... | \$ 4,616 59 |
| Amount cash received to Multiple Bonds.   | 133 41      |
| Amount Bonds issued June 1, 1869.....   | \$ 4,750 00 |
| " " " " " 1868.....   | 58,850 00   |
| Total amount of Bonded Debt.....  | \$63,600 00 |

I am, very respectfully,  
Your obedient servant,  
W. G. BARKLEY,  
*Territorial Treasurer.*

Moved by Mr. Barret, that 500 copies of the Treasurer's and Auditor's reports be printed for the use of this House. Carried.

Moved by Mr. Cockerill, that the Committee on Printing be requested to furnish 1,000 copies of the Governor's Message. Lost.

Moved by Mr. Boswell, that 300 copies of the Governor's Message and 500 copies of the Auditor's and Treasurer's reports be printed. Adopted.

On motion of Mr. Barrett, House adjourned until 10 o'clock A. M. to-morrow.

NINTH DAY.

DECEMBER 14th, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.



Communication (through Mr. Leveridge, Chief Clerk) received from the Council, giving notice that the following bills had been introduced, or notices of introduction given : —

By Mr. Higley — C. B. No. 4, entitled “An Act to authorize the citizens of Jefferson county to change the county seat of said county.”

Also, C. B. No. 5, entitled “An Act to repeal an act to provide extra compensation to the Secretary of Montana, approved December 24th, 1867.”

Also, that C. B. No. 1 has passed the Council.

The Special Committee appointed by the House to confer with a like committee from the Council, on printing, reported verbally, and asked to be discharged.

Moved by Mr. Barrett, that the committee be discharged, and the subject matter referred to the Committee on Printing.

The committee to whom was referred H. B. No. 2 reported the same back, and recommended its passage.

Mr. Cope (by consent, without notice) introduced H. B. No. 4, entitled “An Act to repeal an act to provide extra compensation for the Territorial Secretary.”

Read first and second times, rules suspended, bill considered engrossed, read third time, and passed.

Moved by Mr. Cope, that the vote by which H. B. No. 4 was passed be reconsidered.

Moved by Mr. Barrett, that the motion be laid on the table. Carried.

The following notices were given of the introduction of bills : —

By Mr. Wann — Of a Bill, entitled “An Act to repeal an act concerning licenses, approved January 16, 1869.”

By Mr. Cockerill — Of a Bill, entitled “An Act amendatory of an act entitled ‘An Act concerning counties and county officers, approved February 9th, 1865.’ ”

By Mr. Elwell — Of a Bill “To prevent bulls from running at large at a particular portion of the year.”

Moved by Mr. Hickman, that a committee of three be appointed from the House to meet with a like committee from the Council, whose duty it shall be to prepare such amendments as may seem to them necessary in the present license laws. Carried.

Chair appointed Messrs. Hickman, Forbis, and Lamme as said committee.

Communication received from the Council, through Mr. Leveridge, Chief Clerk, giving notice of the following bills, &c., having been introduced: —

By Mr. George — Of a Bill entitled “An Act to repeal an act entitled ‘An Act to incorporate the Virginia City and Summit City Wagon Road Company, approved January 27th, 1865.’”

Also, “An Act to repeal an act entitled ‘An Act to incorporate the Nevada City and Red Rock Wagon Road Company, approved January 28, 1865.’”

By Mr. Higley — Of a Bill entitled “An Act to repeal an act to provide extra compensation to the Secretary of Montana territory, approved December 24, 1867.”

By Mr. Daems — Of a Bill “Amendatory of an act entitled ‘An Act authorizing the repeal of an act to incorporate the city of Virginia, approved December 30th, 1864.’”

Also, the following resolution, by Mr. George: —

*Resolved*, That a committee of two on the part of the Council be appointed to meet a like committee on the part of the House to propose amendments to the revenue and license laws.

By Mr. George — A Bill entitled “An Act to encourage immigration to the territory of Montana.”

By Mr. Jones — A Bill entitled “An Act to amend an act entitled ‘An Act regulating the fees of officers, jurors, and witnesses, approved February 9th, 1865,’ and an act of the same character, approved December 23d, 1867.”

Also, “An Act to amend the several acts now in force, giving increased compensation and salaries to officers of this territory.”

Moved by Mr. Browne, that the freedom of the House be extended to ex-members of the Legislature. Adopted.

Mr. Boswell offered the following resolution:—

*Resolved*, By this House (the Council concurring) That the Legislative Assembly adjourn *sine die* on Friday, 24th inst. at 3 o'clock P. M. C.

Read first and second times, and referred to Special Committee.

Messrs. Boswell, Smith, and Cope were appointed said committee.

Moved by Mr. Barrett, that the Committee on Printing be requested to procure twenty-five copies of the House rules, and twenty-five copies of the joint rules of the House and Council. Adopted.

On motion of Mr. Boswell, House took a recess until 2 P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Cope introduced H. J. R. No. 2, being as follows:—

By the House, the Council concurring, that a joint committee of two (2) from the Council and three (3) from the House, be appointed to wait upon the Secretary of the territory, and ascertain from him the amount of appropriations made by Congress the last two years for the payment of the Legislative expenses, how much money has been appropriated, and to whom paid, and at what date.

Also, to furnish the Legislative Assembly the correspondence (if any) that has passed between himself and the comptroller, or other government officials, in regard to the appropriations for the payment of the expenses of this Legislature.

Resolution adopted.

Messrs. Cope, Boswell, and Smith appointed as committee.



Mr. Wann introduced (by consent, without notice) H. B. No. 8, entitled "An Act to repeal section 12 of an act concerning licenses, approved January 15th, 1869." Read first and second times, and referred to Joint Committee on Revenue.

Mr. Bailey introduced (by consent, without notice) H. B. No. 9, entitled "An Act fixing the time of the meeting of the Legislative Assembly of the territory of Montana."

Read first and second times, and referred to Committee on Elections.

Mr. Boswell moved, that the Sergeant-at-Arms be instructed to call on the Secretary and procure the laws of the fourth session for the use of this House. Carried.

Mr. Smith (by consent, without notice) introduced H. B. No. 10, entitled "An Act to repeal an act to incorporate the Prickley Pear and Virginia City Wagon Road Company.

Read first and second times, and referred to Committee on Incorporations.

Mr. Jordan (by consent, without notice) introduced H. B. No. 11, entitled "An Act to repeal an act creating the office of Territorial Superintendent."

Read first and second times, and referred to Committee of the Whole, and made special order for 11 A. M. to-morrow.

Moved by Mr. Barrett, that the vote by which H. B. No. 5 was referred to Committee of the Whole be reconsidered. Carried.

Moved by Mr. Barrett, that the bill be referred to Joint Committee. Carried.

Committee to whom was referred H. B. No. 2, reported same back, and recommended its passage.

Moved by Mr. Barrett, that the rules be suspended, bill considered engrossed, read third time, and put upon its final passage. Carried.

On motion of Mr. Barrett, the bill was read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Cock-erill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Title agreed to.

Committee on Education, to whom was referred H. B. No. 1, reported, recommending the passage of the bill.

Moved by Mr. Barrett, that the bill be engrossed. Carried.

On motion of Mr. Boswell, H. B. No. 2 was taken up, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Cock-erill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

On motion of Mr. Barrett, the House adjourned until 10 o'clock A. M. to-morrow.

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## TENTH DAY.

DECEMBER 15th, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Communication received from the Council, through Mr. Leveridge, Chief Clerk, giving notice that C. B. No. 3 had passed the Council.

Also, that H. J. R. No. 1 had been laid on the table.

Also, that Mr. Word has introduced C. B. No. 6, by consent, entitled “An Act declaring Sarah Francis Gorham, of lawful age.

Committee on Towns and Counties reported back H. B. No. 3, recommending its passage.

Committee on Finance reported back H. Bs. Nos. 6 and 7, and recommended their passage.

Committee on Revenue and License reported back C. B. No. 1, and recommend its passage.

Mr. Hickman gave notice that he would at some future day, introduce a bill for the repeal of "An Act granting extra compensation to the members of the Legislative Assembly of Montana."

Mr. Smith, by consent, introduced H. B. No. 12, entitled "An Act to amend an act entitled 'An Act to provide increased compensation to officers in this territory,'" read first and second times.

Moved by Mr. Smith, that the rules of the House be suspended, and that the bill be read a third time and put upon its final passage. Lost by the following vote:—

*Ayes*—Messrs. Hickman and Smith—2.

*Nays*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Cockerrill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker—16.

Moved by Mr. Barrett, that the bill be referred to Committee on Finance. Carried.

House went into Committee of the Whole to consider H. B. No. 11. Mr. Boswell in the chair.

House resumed. Mr. Speaker in the chair.

Communication received from the Council, giving notice that H. J. R. No. 2 had been adopted by the Council, and Messrs. Edwards and Jones appointed to act with House Committee.

Also, that C. B. No. 2 had passed the Council.

Mr. Barrett introduced H. J. R. No. 3, read first and second times, rules suspended, read third time and passed.



Mr. Elwell moved that the use of this Hall be tendered to the Hon. President of the Council, and the Hon. Speaker of the House, as the principal officers of the people of this territory, for the purpose of holding the usual reception levees. Lost.

Mr. Murphy introduced H. B. No. 13, previous notice having been given, "An Act to amend an act relating to the discovery of gold and silver quartz lodes, and the manner of their location, approved December 26, 1869," read first and second times, and referred to Committee on Mines and Minerals.

On motion of Mr. Elwell, House took a recess till 2 P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Wann, by consent, introduced H. B. No. 14, "An Act to further define the duties of district attorneys," read first and second times, and referred to Judiciary Committee.

Mr. Cope, by consent, introduced H. B. No. 15, "An Act in relation to the officers of Territorial Auditor and Treasurer," read first and second times, and referred to Committee on Territorial Affairs.

Moved by Mr. Forbis, that a committee of three (3) be appointed on the Governor's Message, whose duty it shall be to report to the House such subjects as should be referred to the appropriate Standing Committee of this House. Carried.

Chair appointed Messrs. Forbis, Smith, and Wann such committee.

The Committee on Revenue reported back C. B. No. 1, and recommended its passage.

Moved by Mr. Barrett, that the report be received and adopted. Carried.

Moved by Mr. Barrett, that the rules be suspended, bill read third time, and put on its final passage. Carried.

Bill read third time and passed.

On motion of Mr. Barrett, C. B. No. 2 was taken up, read first and second times, and referred to Committee on Education.

On motion of Mr. Cope, H. Bs. Nos. 6 and 7 were taken up and ordered to be engrossed.

Committee on Engrossment reported H. B. No. 1 correctly engrossed.

On motion of Mr. Barrett, H. B. No. 1 was taken up, rules suspended, read third time, and passed.

Title agreed to.

Committee on Revenue, to whom was referred H. B. No. 8, asked further time. Granted.

Committee on the Whole to whom was referred H. B. No. 11, reported bill back with amendments, and recommended its passage, as amended.

On motion of Mr. Barrett, bill referred to Committee on Education.

Mr. Barrett, by consent, introduced H. B. No. 16, entitled "An Act to repeal certain acts," read first and second times, and referred to Committee on Incorporations.

Committee on Incorporations to whom was referred H. B. No. 10, reported the same back, and recommended it to be indefinitely postponed.

Report received and adopted.

On motion of Mr. Barrett, House ajourned until 10 o'clock A. M. to-morrow.

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## ELEVENTH DAY.

DECEMBER 16, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read, corrected, and approved.

Committee on Judiciary reported back H. B. No. 14, and recommended that it do not pass.

Report received and adopted.

Committee on Incorporation reported back H. B. No. 16, and recommend it do not pass.

On motion of Mr. Barrett, the report was rejected.

Committee on Territorial Affairs reported back C. B. No. 3, and recommend it do not pass.

Report received and adopted.

Also, H. B. No. 15, with amendments, recommending its passage, as amended.

Report received and adopted.

Notice was given of the future introduction of the following bills: —

By Mr. Barrett — “An Act to amend an act entitled ‘An Act in relation to costs.’”

By Mr. Hickman — “An Act to repeal so much of section 4 of an act entitled ‘An Act to promote the agricultural, mechanical, and mineral interests of Montana territory,’ as relates to licensing said association.”

By Mr. Bailey — “An Act concerning limitations.”

By Mr. Cope — “An Act to impose a special tax on all Texan, Indian, or Cherokee cattle brought into this territory.”

By Mr. Cockerill — “A Bill concerning school lands.”

Mr. Bailey introduced (previous notice having been given) H. B. No. 17, entitled “An Act to authorize the county commissioners of Madison county to subscribe and take stock in the Capital Ditch Company;” read first and second times, and referred to special committee of the Madison county members.

Mr. Lamme introduced H. B. No. 18, “An Act to repeal an act entitled ‘An Act to protect and regulate the irrigation of lands in Montana territory, approved January 12, 1865,’ and to make provision for the construction of ditches, and the irrigation



of agricultural lands ;” read first and second times, and referred to Committee on Agriculture and Manufactures.

Mr. Boswell introduced H. B. No. 19, “An Act relating to the killing of game in the territory of Montana ;” read first and second times, and referred to special committee, Messrs. Boswell, Lamme, and Browne.

Mr. Barrett introduced H. B. No. 20, “An Act to amend an act entitled ‘An Act in relation to costs, approved January 15, 1869 ;’” read first and second times, and referred to Committee on Judiciary.

Moved by Mr. Wann, that a committee of three on immigration be appointed by the chair, who shall be requested to introduce some measures for the encouragement of the same. Carried.

The chair appointed Messrs. Wann, Forbis, and Lamme such committee.

Mr. Pounds offered the following resolution : —

*Resolved*, That the Committee on Printing are hereby authorized to procure for the use of each member of this House, three copies of the *Capital Times* newspaper, the subscription to expire on the adjournment of the present session.

Amended by Mr. Cockerill, that “one” be inserted instead of “three.” Lost.

Amended by Mr. Smith, that “five” be inserted instead of “three.” Lost

Amended by Mr. Smith, that “ten” be inserted instead of “three.” Lost.

Moved by Mr. Cope, that the resolution be indefinitely postponed. Carried.

On motion of Mr. Barrett, H. B. No. 16 was ordered to be engrossed.

Communication received from the Council, through R. E. Leveridge, Chief Clerk, giving notice of the introduction of the following bills : —

By Mr. English — A Bill entitled “An act regulating the fees of district clerks.”

Also, A Bill “To amend section 1 of an act concerning licenses, exempting mutual life insurance companies from paying licenses, approved January 16, 1869.”

By Mr. Wood — A Bill entitled “An Act to regulate the fees of sheriffs and justices of the peace of Montana territory.”

By Mr. George — A Bill entitled “An Act to regulate the salary and fees of district attorneys.”

By Mr. Edwards — A Bill entitled “An Act to regulate the fees of county clerks and recorders.”

By Mr. Mitchell — “An Act to provide for the care, maintenance, and medication of the indigent insane of Montana territory, and to create a fund for that purpose.”

By Mr. Daems — C. B. No. 7, “An Act amendatory of an act entitled ‘An Act to authorize the repeal of an act to incorporate the City of Virginia.’”

By Mr. Jones — C. B. No. 8, “An Act providing for compensation of certain officers, and repealing certain acts and parts of acts.”

The Select Committee on the Governor’s Message offered the following report:—

MR. SPEAKER:—Your Select Committee, to whom was referred the Governor’s Message, respectfully report and recommend, that that portion of the Message on the subject of election laws should be referred to the Committee on Elections; that portion on the subject of biennial sessions, legislative apportionments, &c., to the same; that on financial reports, to Committee on Finance; that on immigration, to Committee on Immigration. That portion of the Message having reference to the license law is, at this time, under the consideration of the Legislative Assembly.

Moved by Mr. Barrett, that the report be adopted and committee discharged. Carried.

Moved by Mr. Wann, that the officers of this House be re-

requested to remain in their places during sessions, unless absent on business or on leave. Carried.

On motion of Mr. Cockerill, the House took a recess till 2 o'clock P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Moved by Mr. Barrett, that leave of absence be granted to O. P. Thomas, Door-Keeper of the House. Carried.

Communication from the Council, that the following bills had been introduced, and notices given : —

By Mr. English — C. B. No. 9, "An Act relating to notaries public."

By Mr. George, C. B. No. 10, "An Act organizing an immigration bureau."

Also, C. B. No. 11, "An Act to amend an act entitled 'An Act providing for the collection of revenue.'"

By Mr. Word — C. B. No. 12, "An Act to amend an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice in Montana territory, approved December 23d, 1867.'"

By Mr. Jones — C. B. No. 13, "An Act to amend an act defining the duties of county treasurers and the payment of county warrants, approved November 9th, 1867," and repealing certain acts.

Also, C. B. No. 7 had passed the Council.

Also, notice from Mr. Edwards of "An Act to amend an act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby, approved January 14th, 1869."

Committee on Education reported back H. B. No. 11, with substitute, and recommend the passage of it.



Report adopted.

Committee on Elections reported back C. B. No. 2, and recommend its passage.

Report adopted.

Also, H. B. No. 9, recommending it do not pass.

On motion of Mr. Forbis, adopted.

Committee on Engrossment reported H. Bs. Nos. 6, 7, and 16 correctly engrossed.

Mr. Barrett introduced H. B. No. 21, "An Act concerning the payment of jurors." Read first and second times, and referred to Special Committee.

Committee, Bailey, Barrett, and Smith.

Mr. Cope introduced H. B. No. 22, "An Act to amend the lien law." Read first and second times, and referred to the Committee on Territorial Affairs.

On motion of Mr. Bailey, C. B. No. 2 was taken up, read third time, and passed.

H. B. No. 9 was taken up, and, on motion of Mr. Barrett, indefinitely postponed.

H. B. No. 11 Substitute was taken up, read first and second times, and ordered engrossed.

On motion of Mr. Barrett, rules suspended, substitute considered engrossed, read third time by its title, and passed.

Title agreed to.

H. B. No. 6 was taken up, read third time by its title, and passed.

Title agreed to.

H. B. No. 7 was taken up, rules suspended, read third time, and passed.

Title agreed to.

H. B. No. 16 was taken up.

On motion of Mr. Barrett, postponed to 3 p. m. to-morrow.

C. B. No. 3 was taken up, read third time, and passed.

Title agreed to.

Moved by Mr. Barrett, that until this House adjourns *sine die* it will hold nightly sessions. Lost.

On motion of Mr. Williams, the House adjourned to 10 o'clock A. M. to-morrow.

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## TWELFTH DAY.

DECEMBER 17, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Mr. Elwell moved a call of the House.

Roll called — absent, Mr. Smith.

Mr. Smith reported in his seat. Further call dispensed with.

Committee on Mines and Minerals reported back H. B. No. 13, without recommendation. Adopted.

On motion of Mr. Barrett, bill referred to Select Committee of three.

Committee, Messrs. Wann, Murphy, and Browne.

Committee on Engrossment reported H. B. No. 3 correctly engrossed.

Mr. Williams gave notice that he would, at some future day, introduce "A Bill to amend an act entitled 'An Act concerning counties and county officers, approved February 9th, 1865.'"

Mr. Hickman gave notice that he would, at some future time, introduce "A bill for the repeal of an act entitled 'An Act to incorporate the Madison River Ditch Company, approved January 24, 1865.'"

Mr. Cockerill introduced H. B. No. 23, (previous notice having been given), "An Act legalizing certain acts of the county treasurer of Gallatin county in the payment of certain moneys."

Mr. Elwell moved that the bill be rejected.

Lost by the following vote: —

*Ayes* — Browne, Cope, Elwell, and Wann — 4.

*Nays* — Barrett, Bailey, Boswell, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Williams, and Mr. Speaker — 14.

On motion of Mr. Pounds, the bill was referred to a select committee of three — Messrs. Pounds, Lamme, and Cockerill.

Communication from the Council, by Mr. Leveridge, Chief Clerk: —

That C. B. No. 6 had passed the Council.

That C. Substitute for H. B. No. 2 had passed the Council.

That H. B. No. 2 had been indefinitely postponed.

That Mr. Daems had introduced C. B. No. 14, "An Act to repeal an act for a better observance of the Lord's day, approved December 10th, 1867."

That Mr. Barnes had introduced C. B. No. 15, "An Act to authorize the citizens of Meagher county to change the county seat of said county."

Mr. Hickman introduced H. B. No. 24, "An Act to repeal section 4 of an act to promote the agricultural, mechanical, and mineral interests of Montana."

Read first and second times, and referred to Committee on Agriculture.

Mr. Smith moved a call of the House.

Roll called—absent, Messrs. Barrett, Elwell, and Murphy.

Mr. Smith was called to the chair, absentees reported in their places, and further call of the House suspended.

On motion of Mr. Barrett, House took a recess to 2 P. M.



TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Speaker added the name of Mr. Forbis to the Committee on Agriculture.

House went into Committee of the Whole on H. B. No. 16. Mr. Barrett in the chair.

House resumed. Mr. Speaker in the chair.

Communication from the Council, through Mr. Leveridge, Chief Clerk : —

That Mr. Edwards had introduced C. B. No. 16, "An Act regulating the fees of county clerks and recorders."

Moved by Mr. Wann, that the use of this House be granted to the Society of Natural Science this evening, for the purpose of hearing Judge Hosmer's lecture.

Moved by Mr. Murphy, that the Select Committee, to whom was referred H. B. No. 13, be excused and another be appointed. Carried.

Chair appointed Messrs. Murphy, Jordan, and Scott such committee.

Moved by Mr. Cope, that H. B. No. 15 be taken from the Engrossment Committee and re-committed to a Select Committee. Carried.

Committee, Messrs. Cope, Forbis, and Lamme.

Committee on Agriculture reported back H. B. No. 18, with amendments, and recommend its passage, as amended.

Mr. Barrett moved that the report, with amendments, be adopted, and the bill ordered to be engrossed. Carried.

Also, H. B. No. 24, recommending its passage.

Moved by Mr. Hickman, that the rules be suspended, bill considered engrossed, read third, and put on its final passage. Carried.

Bill read third time, and passed by the following vote :—

*Ayes*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—17.

*Nays*—none.

Absent, Mr. Elwell—1.

Title agreed to.

Committee on Judiciary reported back H. B. No. 20, and recommended its passage.

Report read and adopted.

Moved by Mr. Barrett, that the rules be suspended, bill considered (engrossed), read third time, and put upon its final passage. Carried.

Read third time, and passed by the following vote :—

*Ayes*—Messrs. Barrett, Bailey, Browne, Cope, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—16.

*Nays*—none.

Absent, Messrs. Boswell and Elwell—2.

Title agreed to.

On motion of Mr. Cope, C. B. No. 6 was taken up and read first and second times.

Moved by Mr. Barrett, that the rules be suspended, bill read third time, and put upon its final passage. Carried.

Read third time, and lost by the following vote :—

*Ayes*—Messrs. Boswell, Cope, Cockerill, Jordan, Lamme, Smith, Williams, and Mr. Speaker—8.

*Nays*—Messrs. Barrett, Bailey, Browne, Forbis, Hickman, Murphy, Pounds, Scott, and Wann—9.

Absent, Mr. Elwell—1.

Mr. Barrett gave notice that he would call for a reconsideration of the vote at 11 o'clock A. M. to-morrow.

Committee of the Whole, to whom was referred H. B. No. 16, reported the same back, and recommend its passage.

Report adopted.

Bill read third time by its title, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cockerill, Hickman, Murphy, Pounds, Smith, Wann, and Mr. Speaker—10.

*Nays* — Messrs. Boswell, Cope, Forbis, Jordan, Lamme, Scott, and Williams — 7.

Absent, Mr. Elwell—1.

Title amended.

Select Committee, to whom was referred H. J. R. No. 2, reported, and beg leave to submit the following communication from the Secretary:—

SECRETARY'S OFFICE, MONTANA TERRITORY, {  
December 16, 1869. }

*Messrs. Edwards and Jones, of Council, Cope, Boswell, and Smith, of the House, Joint Committee:—*

GENTLEMEN:—In reply to the joint resolution of the Legislative Assembly, handed me this morning by your chairman, Mr. Edwards, I have the honor to state, in answer to the interrogatory with regard to the amount of appropriations made by Congress in the last two years for the payment of Legislative expenses, that I respectfully refer you to pages 109 and 313 of the United States Statutes at large, for the years 1867 and 1869 (Little and Brown's edition), where you can find the law making appropriations.

In answer to the questions, as to how such money has been appropriated, and to whom paid, and at what date, I have to state that I am unable to give you the desired information, for the reason that a large amount of the appropriations made by the laws referred to has been paid out of the Treasury Department, in payment of an indebtedness contracted by Secretary Meagher, of which no record, showing to whom such money has been paid, or at what date, appears on the books at this office.



I have the honor to furnish you, in compliance with the resolution, the following correspondence between myself and the First Comptroller of the Treasury, from whom I received my instructions on all questions of finance, in relation to the expenses of a session of the Legislature this winter.

In a communication from the Hon. R. W. Taylor, First Comptroller, dated at the Treasury Department, July 14, 1869, the following paragraph appears :—

Congress having changed the meeting of the Territorial Legislatures, from annual to biennial sessions, made no appropriations for legislative expenses during the fiscal year. You will please inform this office of the nature of the unpaid accounts that require so large a sum of money as called for in your requisition.

In answer to the above, I say :—

In reply, I have the honor to furnish the following statement of indebtedness, as appears by the books of this office :—

|   |             |
|---|-------------|
| For per diem and mileage of members of the last Legislature.....                        | \$8,049 60  |
| For per diem of Clerks, Sergeant-at-Arms, Door-Keeper, &c.....                          | 1,520 00    |
| Incidental expenses.....  | 9,328 99    |
| Printing Laws, Journals, &c., not yet delivered, and amount not ascertained, about..... | 3,000 00    |
| Total.....  | \$21,898 59 |

The first paragraph above quoted, raised the question in my mind, whether or not, I had any right, under the circumstances, to issue any vouchers to pay the expenses of a session of the Legislature this winter.

Whereupon, I sent the following letter, asking instructions on the subject :—

SECRETARY'S OFFICE, MONTANA TERRITORY, }  
VIRGINIA CITY, Nov. 8, A. D. 1869. }

SIR :— The question as to whether the Territorial Legislature is required by law to hold a session the coming winter, or not,

has been submitted to Judge Warren, Chief Justice of this territory, and decided by him that the law does require a session of the Legislature to assemble on the first Monday of December, A. D. 1869, and at said session to make provisions for holding biennial sessions thereafter. In a communication received from you, dated July 14, A. D. 1869, the following paragraph appears : —

Congress, having changed the meeting of the Territorial Legislature from annual to biennial sessions, made no appropriations for Legislative expenses for the present fiscal year.

I have the honor to request that you instruct me at your earliest convenience whether or not it is proper for me to issue vouchers to pay the Legislative and contingent expenses of such contemplated session.

Very respectfully,

Your obedient servant,

W. S. SCRIBNER, *Sec. of Montana.*

To Hon. R. W. Taylor, First Comptroller, United States Treasury, Washington, D. C.

In answer to the foregoing communication, I received the following : —

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE, }  
November 22, 1869. }

*W. S. Scribner, Esq., Sec. of Montana, Virginia City : —*

SIR : — In reply to your letter of the 8th inst. I have to state that, Congress having failed to make an appropriation for the Legislative expenses for Montana territory, for the fiscal year ending June 30, 1870, in case the Legislature should convene on the first Monday in December next, as contemplated in your letter, you will be justified in paying the expenses therefor only to the amount of balance now standing to the credit of the appropriation for that purpose (subject to your requisition) ; viz : — Five thousand nine hundred dollars, after the present outstanding claims are paid. I decline to authorize you to certify any

vouchers for expenses incurred for the use of said Legislature in excess of the amount that may be applicable as above stated.

Very respectfully,

R. W. TAYLOR.

Since furnishing the statement of indebtedness before given (\$21,893.59), I have received from the department at Washington five thousand (\$5,000) dollars, which has been paid out, leaving at this time a balance of \$16,898.59 unpaid, and toward the payment of which the five thousand nine hundred dollars, mentioned in Mr. Taylor's last communication, will have to be applied.

Very respectfully,

Your obedient servant,

W. S. SCRIBNER, *Secretary*.

Mr. Barrett moved that the report, with accompanying documents, be laid on the table for further consideration. Carried.

On motion of Mr. Forbis, House adjourned to 10 o'clock tomorrow.

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## THIRTEENTH DAY.

DECEMBER 18, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Committee on Credentials reported Mr. T. E. Collins entitled to a seat in the House, as member from Meagher county.

On motion of Mr. Barrett, report adopted.

Mr. Collins was then sworn in by the Hon. Mr. Speaker.

The committee to whom was referred H. B. No. 15 reported bill back with substitute.

Moved by Mr. Cope, that the report, with substitute, be received and adopted. Carried.



Moved by Mr. Barrett, that forty copies of the substitute be printed for the use of the House and Council. Carried.

Select Committee, to whom was referred H. B. No. 23, reported bill back with amendments, and recommend it do pass, as amended.

On motion of Mr. Barrett, report received and committee discharged.

Moved by Mr. Barrett, that H. B. No. 23, as amended, be adopted and ordered engrossed for third reading. Carried.

Mr. Hickman introduced H. B. No. 25 (previous notice having been given), "An Act to repeal an act entitled 'An Act to incorporate the Madison County Ditch Company.'"

Read first and second times, and referred to Committee on Incorporations.

Moved by Mr. Hickman, that two hundred copies (extra) of the Governor's Message be ordered. Lost.

C. B. No. 7 was taken up, read first and second times, and referred to Madison county members.

On motion of Mr. Barrett, the Chief Clerk was instructed to return H. B. No. 2, with its Council substitute, to the Council, requesting that the proper endorsements be made.

The Select Committee, to whom was referred H. B. No. 13, reported bill back with amendments.

Moved by Mr. Jordan, that the report, with amendments, be adopted and committee discharged. Carried.

Mr. Barrett moved a reconsideration of the vote on C. B. No. 6.

Moved by Mr. Barrett, that the motion on reconsideration be laid on the table.

Lost by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Browne, Forbis, Hickman, Lamme, Murphy, and Wann—8.

*Nays*—Messrs. Boswell, Cope, Collins, Cockerill, Elwell, Jordan, Pounds, Scott, Smith, Williams, Mr. Speaker—11.

On motion of Mr. Cope, C. B. No. 6 was taken up, read third time, and passed by the following vote: —

*Ayes* — Messrs. Boswell, Cope, Collins, Cockerill, Elwell, Jordan, Lamme, Pounds, Scott, Smith, Williams, and Mr. Speaker — 12.

*Nays* — Messrs. Barrett, Bailey, Browne, Forbis, Hickman, Murphy, and Wann — 7.

Title agreed to.

H. B. No. 3 was taken up.

On motion of Mr. Barrett, the words “at least” were added to the first section.

Read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 19.

*Nays* — none.

Title agreed to.

H. B. No. 13 was taken up and ordered engrossed.

The following communication was received from the Council: —

That H. B. No. 4 has passed the Council, with amendments.

Title amended and agreed to.

Also, C. B. No. 13.

Also, that Mr. Watson, by consent, had introduced C. B. No. 17.

Mr. Wann moved that the Committee on Printing be authorized to subscribe for two copies of the *Capital Times* for each member of the House, subscription to continue while the House is in session.

On motion of Mr. Boswell, that motion was laid on the table.

Notices were given of the following bills: —

By Mr. Smith — “An Act to authorize county commissioners to regulate and open streets and alleys in incorporated towns and cities.”

By Mr. Pounds — “An Act to amend section 12 of an act relative to elections, approved January 17th, 1869.”

On motion of Mr. Cockerill, House took a recess to 2 P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — absent, Mr. Elwell.

H. B. No. 26 was introduced by Mr. Williams, “An Act to amend an act relating to counties and county officers.

Read first and second times, and referred to Committee on Towns and Counties.

The Special Committee, to whom was referred C. B. No. 7, reported back, recommending its passage.

Report received and adopted, and committee discharged.

The Special Committee, to whom was referred H. B. No. 19, reported back with substitute.

Moved by Mr. Barrett, that the substitute be adopted and committee discharged. Carried.

Moved by Mr. Forbis, that the Chief Clerk be instructed to insert the words, “or quail,” after the word “partridge,” section 1. Carried.

Bill ordered to be engrossed.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice as having been introduced:—

By Mr. Word — C. B. No. 18, “An Act to regulate the fees of sheriffs in Montana territory.”

Mr. George, by consent — C. B. No. 19, “An Act authorizing officers to prosecute suits without giving bonds.”



Also, substitute for H. J. R. No. 3 has passed the Council  
Council substitute for H. J. R. No. 3 was taken up and read.  
Moved by Mr. Barrett, that it be adopted. Carried.

H. B. No. 4, as amended by Council, taken up and read.

Moved by Mr. Barrett, that the House do not concur in the amendment. Carried by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Moved by Mr. Jordan, that the Chief Clerk be instructed to inform the Council that the House refuses to concur in their amendment to H. B. No. 4, and beg them to recede from it. Carried.

Committee on Engrossment reported H. Bs. Nos. 20, 23, and 24 as correctly engrossed.

Special Committee, to whom was referred H. B. No. 23, reported back, recommending its passage.

Report adopted and committee discharged.

H. B. No. 23 was read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Boswell, Cope, Collins, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Williams, and Mr. Speaker — 16.

*Nays* — Messrs. Browne, Elwell, and Wann — 3.

The report of the Judiciary Committee on H. B. No. 4 was taken up. Report adopted.

On motion of Mr. Barrett, action on H. B. No. 4 was indefinitely postponed.

Council Bill No. 7 was taken up, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Col-

lins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 19.

*Nays* — none.

Committee on Incorporation, to whom was referred H. B. No. 25, reported back, and recommended its passage. Report adopted.

Moved by Mr. Hickman, that the rules be suspended, bill considered engrossed, and put upon its final passage. Carried.

Read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

The Special Committee, to whom was referred H. B. No. 17, reported back, with amendments.

Report, with amendments, adopted, and ordered to be engrossed.

House adjourned until 10 A. M. Monday.

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## FIFTEENTH DAY.

DECEMBER 20, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Committee on Credentials reported that I. Gibbs was entitled to a seat in this House, as member from Deer Lodge county.

Report received and adopted.

Mr. Gibbs was sworn in by Mr. Speaker.

Committee on Engrossment made the following report:—

MR. SPEAKER:—Your Committee on Engrossment have examined H. B. No. 13, and beg leave to report the same as correctly engrossed.

WANN, *Chairman*.

Received and adopted.

The following report was received from the Committee on Printing:—

MR. SPEAKER:—Your Committee on Printing have examined H. B. No. 15, and report the same correctly printed.

POUNDS, *Chairman*.

Received and adopted.

Report from the Committee on Towns and Counties:—

MR. SPEAKER:—Your Committee on Towns and Counties, to whom was referred H. B. No. 26, entitled “An Act to amend an act entitled ‘An Act relating to counties and county officers,’” have had the same under consideration, and recommend that it pass.

BROWNE, *Chairman*.

Report received and adopted.

Report received from Select Committee, to whom was referred H. B. No. 21, as follows:—

MR. SPEAKER:—Your Select Committee, to whom was referred H. B. No. 21, “An Act concerning the payment of jurors,” have had the bill under consideration, and recommend that the accompanying substitute be adopted.

BAILEY, *Chairman*.

The following notice was offered by Mr. Collins:—

MR. SPEAKER:—I hereby give notice that I will, at some future day, introduce “An Act to repeal an act relating to the discovery and possessory right of all placer mines.”

Mr. Smith introduced H. B. No. 27, previous notice having been given, “An Act relating to streets and alleys.”

Read first and second times, and referred to the Committee on Towns and Counties.



Mr. Elwell offered the following resolution:—

*Resolved*, That a committee of three be appointed by the Speaker, to procure a Chaplain for the House, who shall perform religious service immediately after roll-call each morning.

Moved by Mr. Cockerill, that the resolution be laid on the table.

Lost by the following vote:—

*Ayes*—Messrs. Boswell, Cope, Cockerill, Jordan, Lamme, Murphy, Pounds, and Scott—8.

*Nays*—Messrs. Barrett, Bailey, Brown, Collins, Elwell, Forbis, Gibbs, Hickman, Smith, Wann, Williams, and Mr. Speaker—12.

Moved by Mr. Barrett, that the resolution be adopted. Carried.

Chair appointed as Committee, Messrs Elwell, Barrett, and Forbis.

The following resolution was offered by Mr. Collins:—

*Resolved*, That the Committee on Printing are hereby instructed to furnish each member of this House with two copies of the *Tri-Weekly Capital Times*, while in session.

Resolution adopted.

On motion of Mr. Murphy, H. B. No. 13 was taken up, read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—20.

*Nays*—none.

Title agreed to.

Committee on Enrollment made the following report:—

MR. SPEAKER:—Your Committee on Enrollment beg leave to report H. J. R. No. 3 correctly enrolled.

BARRETT, *Chairman*.

Report received and adopted.

Moved by Mr. Forbis, that the House go into Committee of the Whole at 11 A. M. Carried.

ELEVEN A. M.

House resolved itself into Committee of the Whole. Mr. Forbis in the chair.

The Committee on Enrollment offered the following report:—

MR. SPEAKER:—Your Committee on Enrollment respectfully report that H. J. R. No. 3 was handed to His Excellency the Governor, for his approval, at ten minutes past eleven o'clock this A. M. Dec. 20, 1869.

BARRETT, *Chairman*.

Committee on Engrossment reported H. B. No. 18 correctly engrossed.

H. B. No. 18 was taken up and read for information.

On motion of Mr. Jordan, read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Browne, Boswell, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—20.

*Nays*—none.

Title agreed to.

Committee of the Whole made the following report:—

MR. SPEAKER:—The Committee of the Whole (to whom) was referred substitute for H. B. No. 15, "An Act in relation to the offices of Territorial Auditor and Treasurer," respectfully report the same back to the House, and recommend that the same do pass.

FORBIS, *Chairman*.

Moved by Mr. Cope, that the rules be suspended, bill considered engrossed, and read third time for its final passage. Carried.

Communication received from the Council, through R. E. Leveridge, Chief Clerk, to the following effect:—

That C. B. No. 11 has passed the Council; that C. B. No. 17 has passed the Council; that H. B. No. 3 has been referred back to the House to have its title perfected; that the Council have receded from their amendment to H. B. No. 4; that H. B. No. 1 has passed the Council, as amended.

Moved by Mr. Collins, that substitute of H. B. No. 15 be laid on the table. Lost.

Moved by Mr. Bailey, that the House take a recess until two P. M. Lost.

Moved by Mr. Hickman, that the House take a recess until two P. M. Lost.

Mr. Barrett was called to the chair.

Moved by Mr. Bailey, that H. B. No. 15 be made the special order of business for eleven o'clock A. M. to-morrow. Carried.

On motion of Mr. Bailey, the House took a recess until two P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Moved by Mr. Barrett, that the vote passed this morning authorizing the Printing Committee to furnish two copies of the *Capital Times* to each member of the House, be reconsidered.

Moved by Mr. Barrett, that the motion be laid on the table.

Carried by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Forbis, Gibbs, Hickman, Jordan, Pounds, Williams, and Mr. Speaker — 12.

*Nays* — Messrs. Boswell, Cockerill, Elwell, Lamme, Murphy, Scott, and Smith — 7.

Committee appointed to procure a Chaplain, reported as follows:—



MR. SPEAKER:—Your committee appointed to procure a Chaplain, to perform religious service in this Hall, respectfully report that they have performed that duty, and have procured the Rev. George Comfort.

ELWELL, *Chairman*.

Moved by Mr. Smith, that the report be adopted and committee discharged. Carried.

C. B. No. 11 was, on motion of Mr. Barrett, taken up and read first and second times, and referred to Committee of the Whole, at 3 P. M. to-morrow.

Moved by Mr. Boswell, the Sergeant-at-Arms be requested to bring all postage matter from the post office, for the members of the House.

C. B. No. 13 was taken up and read first time for information, read second time, and referred to Committee on Ways and Means.

C. B. No. 17 was taken up and read first time for information, read second time, and referred to Committee on Roads and Highways.

Moved by Mr. Barrett, that the Chief Clerk return H. B. No. 3 to the Council, requesting them to make the change they require in the title. Carried.

Substitute for H. B. No. 21 was taken up, and read for information.

Moved by Mr. Barrett, that forty copies of the bill be printed. Carried.

Communication from the Council, through Mr. R. E. Leveridge, Chief Clerk, giving notice that C. B. No. 17 has passed the Council.

Also, that Mr. Dance had introduced C. B. No. 22, "An Act defining the duties of county commissioners."

That Mr. George had introduced C. B. No. 23, "An Act concerning licenses."

Also, that Mr. Mitchell has given notice of "A Bill to authorize the Auditor of the territory to issue a warrant in lieu of a certain warrant."

H. B. No. 1, with Council amendments, was taken up, and amendment read.

Moved by Mr. Barrett, that the bill, as amended, be adopted. Lost by the following vote:—

*Ayes*—Messrs. Barrett, Cockerill, Gibbs, Lamme, Pounds, Scott, Smith, Williams, and Mr. Speaker—9.

*Nays*—Messrs. Bailey, Boswell, Browne, Cope, Collins, Elwell, Forbis, Hickman, Jordan, Murphy, and Wann—11.

Moved by Mr. Jordan, that the Council be asked to recede from their amendment. Carried.

Moved by Mr. Boswell, that this House hold nightly sessions until their final adjournment. Lost.

Moved by Mr. Barrett, that Messrs. Boswell, Scott, and Elwell be allowed pay for one hundred and ten miles as extra mileage, not allowed in the pay roll. Carried.

*Ayes*—Messrs. Cope, Collins, Cockerill, Gibbs, Jordan, Murphy, Pounds, Smith, and Williams—9.

*Nays*—Barrett, Bailey, Browne, Forbis, Hickman, Lamme, Wann, and Mr. Speaker—8.

Committee on Enrollment reported H. B. No. 4 as being correctly enrolled.

On motion of Mr. Cockerill, House adjourned until 10 A. M. to-morrow.

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## SIXTEENTH DAY.

DECEMBER 21, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by Mr. Comfort.

Minutes of yesterday read and approved.

Mr. Speaker gave notice that the bill having been passed by both Houses, he had signed C. B. No. 7, "An Act amendatory to an act entitled 'An Act authorizing the repeal of an act to incorporate the city of Virginia.'"

Report of Committee on Ways and Means:—

MR. SPEAKER:—The Committee on Ways and Means, to whom was referred C. B. No. 13, have had the same under consideration, and ask leave to report the title back to the House, with the recommendation that it pass with the following amendment, to-wit: Where the word "three" occurs in sixteenth line, sec. 1, shall read "four." Submit this as the result of our examination.

Respectfully,

R. O. BAILEY, *Chairman.*

Report of Enrollment Committee:—

MR. SPEAKER:—Your Committee on Enrollment beg leave to report H. B. No. 4, "An Act to repeal an act to provide extra compensation to the Secretary of Montana, was handed to His Excellency, the Governor, for his approval this A. M. at 9:50 o'clock, December 21, 1869.

BARRETT, *Chairman.*

Report of Printing Committee:—

MR. SPEAKER:—Your Committee on Printing report H. B. No. 21 correctly printed, except two typographical errors; first in the first line of sec. 8, where treasurer spelled; second in the second line of sec. 12, where four (4) per cent is spelled.

POUNDS, *Chairman.*

Mr. Forbis introduced H. B. No. 28, by consent, "An Act concerning nuisances," read first and second times, and referred to Special Committee.

Messrs. Boswell, Forbis, and Smith, committee.

Mr. Collins introduced H. B. No. 29, previous notice having been given, an act entitled "An Act relating to the discovery and possessory right in all placer mines."



Read first and second times.

Moved by Mr. Smith, that the rules be suspended, bill considered engrossed, and read third time for its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—18.

*Nays*—none.

Absent, Messrs. Cockerill and Elwell.

Title agreed to.

Mr. Forbis (by consent) introduced H. B. No. 30, "An Act to prohibit reckless riding or driving in towns."

Read first and second times, and referred to Select Committee.

Committee, Messrs. Murphy, Smith, and Boswell.

Mr. Barrett gave notice that he would, at some future time, introduce "A Bill for the relief of the estate of John S. Rockfellow, deceased."

Mr. Barrett, by consent, introduced H. B. No. 31, "An Act to repeal an act entitled 'An Act for the better observance of the Lord's day, approved December 10th, 1867.'"

Read first time for information.

Mr. Boswell moved the bill be laid on the table. Carried.

Moved by Mr. Barrett, that H. B. No. 21 be taken up and read for information. Carried.

Moved by Mr. Cockerill, that the word "ten" (10) instead of "five" (5) be inserted in section 1.

Moved by Mr. Barrett, the Chief Clerk be instructed to make the correction. Carried.

The bill was then read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — Mr. Elwell — 1.

Absent, Mr. Hickman — 1.

Title agreed to.

Communication from the Council (through R. E. Leveridge, Chief Clerk), giving notice that C. Bs. Nos. 15, 20, and 21, have passed the Council ; that H. B. No. 20 has passed the Council ; that H. B. No. 2 has been properly endorsed.

On motion of Mr. Cope, H. B. No. 15 was taken up, and action on it postponed until 2 P. M. Friday. Carried.

C. B. No. 13 was, on motion of Mr. Barrett, taken up and read, with amendment.

Moved by Mr. Barrett, the bill be indefinitely postponed. Lost.

Mr. Barrett was called to the chair.

Moved by Mr. Cockerill, that C. B. No. 13 be made the special order for 11 A. M. to-morrow. Carried.

H. B. No. 26 was taken up and read for information.

Moved by Mr. Boyce, that the bill be referred back to its origination for correction. Carried.

H. B. No. 19 was taken up and read for information.

An amendment offered by Mr. Smith to strike out all except "quail."

Moved by Mr. Boswell, that the amendment be laid on the table. Carried.

On motion of Mr. Boswell, bill read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Boswell, Browne, Cope, Gibbs, Lamme, Murphy, Pounds, Scott, Smith, and Mr. Speaker — 11.

*Nays* — Messrs. Bailey, Collins, Hickman, Jordan, Wann, and Williams — 6.

Absent, Cockerill, Elwell, and Forbis.

Title agreed to.

Committee on Engrossment reported H. Bs. Nos. 17, 19, and 26 correctly engrossed.

Also, that H. B. No. 25, having been considered engrossed and passed, recommended that the House retain the original bill.

On motion of Mr. Browne, report received and adopted.

H. B. No. 17 was taken up, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Messrs. Elwell and Forbis — 2.

Title agreed to.

H. B. No. 26 was taken up, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Gibbs, Hickman, Jordan, Lamme, Murphy, Wann, Williams, and Mr. Speaker — 14.

*Nays* — Messrs. Boswell, Pounds, Scott, Gibbs — 4.

Absent, Messrs. Elwell and Forbis — 2.

Title agreed to.

On motion of Mr. Wann, House took a recess until 2 P. M.



TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Committee on Engrossment reported H. B. No. 29 correctly engrossed.

Select Committee on H. B. No. 30 reported bill back, with recommendation that it pass.

On motion of Mr. Barrett, report received and committee discharged.

On motion of Mr. Smith, report adopted.

Mr. Pounds (by consent) introduced H. B. No. 32, "An Act to amend an act entitled 'An Act relative to elections, approved January 17, 1865.'"

Moved by Mr. Barrett, that the rules be suspended and the bill read first time by its title. Lost.

Bill read first and second times and referred to Committee of the Whole, and made special order of business for three P. M. to-morrow.

Select Committee on H. B. No. 28 reported bill back, recommending its passage.

Moved by Mr. Barrett, that the report be received and committee discharged. Carried.

Moved by Mr. Boswell, that the rules be suspended, H. B. No. 28 be considered engrossed, and read third time for its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Cock-erill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—19.

*Nays* — none.

Moved by Mr. Wann, that the use of this House be tendered to the Society of Natural Science, for the purpose of hearing Judge Hosmer lecture this evening. Carried.

Moved by Mr. Boswell, that the resolution passed by this House, declaring it would not entertain any cases of divorce during the present session, be rescinded. Lost.

House went into Committee of the Whole to consider C. B. No. 11. Mr. Boswell in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Cockerill, House adjourned until ten A. M. to-morrow.

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## SEVENTEENTH DAY.

### MORNING SESSION — DECEMBER 22, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Committee on Enrollment reported H. B. No. 20 as being correctly enrolled.

Mr. Forbis, by consent, introduced H. B. No. 33, "An Act to amend an act entitled 'An Act to amend an act to establish a common school system for the territory of Montana, approved February 7, 1869,'" read first and second times, and referred to Committee on Education.

Mr. Speaker gave notice that he had signed H. B. No. 20, "An Act to amend an act entitled 'An Act in relation to costs, approved January 15, 1869,'" it having passed both Houses.

Committee of the Whole on C. B. No. 11, reported progress, and asked leave to sit again. Leave granted.

Mr. Wann, by consent, introduced H. B. No. 34, "An Act concerning mines and minerals," read first and second times, and referred to Committee on Mines and Minerals.

Committee on Roads and Highways reported back C. B. No. 17, and recommended its passage.

Moved by Mr. Smith, that the report be received and adopted. Carried.

C. B. No. 17 was called up and read for information. Read third time by its title, and passed by the following vote: —

*Ayes* — Messrs. Bailey, Cope, Collins, Cockerill, Jordan, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 12.

*Nays* — Messrs. Barrett, Boswell, Browne, Elwell, Forbis, Gibbs, and Lamme — 7.

Absent, Mr. Hickman.

Title agreed to.

Committee on Enrollment reported that H. B. No. 20 was handed to the Governor, for his approval, at eleven o'clock this A. M.

C. B. No. 20 was taken up and read first time for information.

Mr. Barrett moved the bill be rejected. Carried by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Browne, Boswell, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 19.

*Nays* — Mr. Elwell.

Council Substitute to H. B. No. 2 was taken up, read first and second times.

Moved by Mr. Elwell, the rules be suspended, bill read third time, and put upon its final passage. Carried.

Read third time and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 20.



*Nays* — none.

Communication from the Council, through R. E. Leveridge, Chief Clerk, to the following effect : —

That Mr. Mitchell had introduced C. B. No. 24, “An Act to provide for the custody, maintenance, and treatment of the insane of Montana territory.”

Also, that His Excellency, the Governor, has approved C. Bs. Nos. 1 and 3.

Also, that His Excellency, the Governor, has returned C. B. No. 2 to the Council, with his objections to the same becoming a law, and that the bill has passed the Council, notwithstanding the objections of the Governor.

C. R. No. 13, with amendments, was taken up and read for information.

Moved by Mr. Barrett, that the rules be suspended, bill be read third time, and put on its final passage. Carried.

Read third time by its title, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — Messrs. Boswell, Pounds, and Scott — 3.

Absent, Mr. Murphy — 1.

Title agreed to.

Mr. Barrett gave notice that he would move a reconsideration of the vote by which C. B. No. 13 was passed, at 11 A. M. tomorrow.

C. B. No. 2 (returned by the Governor without his approval) was taken up, read for information, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 18.

*Nays* — Messrs. Gibbs and Smith — 2.

Moved by Mr. Barrett, that H. Bs. Nos. 5 and 8 be taken from the committee to whom they were referred. Carried.

Moved by Mr. Barrett, that H. Bs. Nos. 5 and 8 be indefinitely postponed. Carried.

Mr. Barrett, by consent, introduced H. B. No. 35, "An Act to amend an act regulating the fees of officers, jurors, and witnesses, approved February 9, 1865," read first and second times.

Moved by Mr. Gibbs, that further action on the bill be indefinitely postponed. Lost by the following vote: —

*Ayes* — Messrs. Boswell, Gibbs, Lamme, Scott, Smith — 5.

*Nays* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cock-erill, Forbis, Hickman, Jordan, Murphy, Pounds, Wann, Wil-liams, and Mr. Speaker — 14.

Absent, Mr. Elwell — 1.

Moved by Mr. Collins, that the bill be referred to a select committee of three. Carried.

Messrs. Collins, Barrett, Bailey, committee.

Mr. Lamme, by consent, introduced H. B. No. 36, "An Act amendatory of an act entitled 'An Act relating to counties and county officers, approved February 9, 1865. "

Moved by Jordan, that the bill be referred to special committee. Carried.

Messrs. Jordan, Lamme, and Forbis, committee.

Mr. Barrett, by consent, introduced H. B. No. 37, "An Act to authorize the Territorial Treasurer to issue bonds of the territory for balance of funded indebtedness of the territory of Montana.

On motion of Mr. Wann, House took a recess until 2 o'clock P. M.

TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Barrett moved that Committee on Mines and Minerals be requested to report on H. B. No. 34 immediately. Carried.

Committee on Mines and Minerals reported back H. B. No. 34, without recommendations.

Moved by Mr. Barrett, that H. B. No. 34 be withdrawn from the hands of Committee on Education. Carried.

Moved by Mr. Collins, that the bill be indefinitely postponed.

Mr. Boswell moved a call of the House.

Roll called — absent, Messrs. Bailey, Brown, Elwell.

Sergeant-at-Arms instructed to bring in absentees.

Mr. Jordan moved, that a further call of the House be dispensed with. Lost.

Mr. Barrett moved that a further call of the House be dispensed with. Lost.

Mr. Pounds moved that a further call of the House be dispensed with. Lost.

Mr. Barrett moved a call of the House.

Members all present.

Mr. Barrett moved that further call of the House be dispensed with. Carried.

Sergeant-at-Arms reported Messrs. Bailey, Browne, and Elwell in their places.

Moved by Mr. Smith, that H. B. No. 34 be laid on the table. Carried by the following vote; —

*Ayes* — Messrs. Bailey, Barrett, Browne, Cockerill, Forbis, Hickman, Jordan, Lamme, Smith, Williams, and Mr. Speaker — 11.

*Nays* — Messrs. Boswell, Cope, Collins, Elwell, Gibbs, Murphy, Pounds, Scott, and Wann — 9.



Moved by Mr. Cockerill, that H. B. No. 38 be laid on the table. Lost.

Moved by Mr. Boswell, that the bill be indefinitely postponed. Carried.

Special Committee, to whom was referred H. B. No. 36, reported bill back to the House, and recommended that it do pass.

Mr. Cockerill moved that the report be received and committee discharged. Carried.

Special Committee on H. B. No. 35 reported bill back to the House, recommending that it pass, as they believe the fees now on the statute books are too high.

COLLINS, *Chairman*.

Moved by Mr. Barrett, that the report be received and adopted, and committee discharged.

Committee on Education reported back H. B. No. 33, and recommended its passage.

House went into Committee of the Whole to consider H. B. No. 32 and C. B. No. 11.

Mr. Barrett in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Lamme, H. B. No. 36 was taken up and read for information.

Mr. Jordan moved that the rules be suspended, bill be considered engrossed, read a third time, and put upon its final passage. Carried.

Read third time by its title, and passed by the following vote :—

*Ayes* — Messrs. Barrett, Bailey, Browne, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Smith, Wann, Williams, and Mr. Speaker — 15.

*Nays* — Messrs. Boswell, Cope, Pounds, Scott — 4.

Absent, Mr. Elwell — 1.

Committee of the Whole submitted the following report:—

MR. SPEAKER:—Your Committee of the Whole, to whom was referred C. B. No. 11, have had the same under consideration and report the same back with amendments, and recommend that it pass, as amended. Also, that H. B. No. 32 has been considered, and that the committee report the bill back, and recommend its passage.

BARRETT, *Chairman*.

Moved by Mr. Cockerill, that the report be received and adopted. Carried.

Moved by Mr. Barrett, that C. B. No. 11, as amended, be adopted. Carried.

Moved by Mr. Barrett, that the rules be suspended, amendment considered engrossed, bill adopted, as amended, and read third time for its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Browne, Cope, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—17.

*Nays*—Messrs. Boswell and Collins—2.

Absent, Mr. Elwell—1.

Mr. Barrett offered the following resolution:—

*Resolved*, That there be no smoking allowed inside the bar of this House. Carried.

On motion of Mr. Barrett, leave of absence was given to Mr. Boswell.

On motion of Mr. Wann, House adjourned until 10 A. M. tomorrow.

## EIGHTEENTH DAY.

DECEMBER 23d, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Mr. Pounds, on motion of Mr. Barrett, was granted leave of absence.

Moved by Mr. Cockerill, that the rules and order of business of the House be suspended, and bills and communications from the Council be considered Carried.

C. J. R. No. 1 was taken up and read first and second times.

Mr. Forbis moved that rules be suspended. Bill read time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Mr. Boswell — 1.

Absent, Messrs. Cockerill and Pounds — 2.

Title agreed to.

H. B. No. 3, as amended by Council, was taken up.

Moved by Mr. Barrett, that the Council amendments be concurred in. Carried, and ordered to be enrolled.

Leave of absence was granted for one hour to Mr. Bailey.

C. B. No. 4 was taken up, read first and second times, and referred to a select committee.

Jordan, Barrett, and Lamme, committee.

C. B. No. 9 was taken up, read first and second times.

Moved by Mr. Collins, that rules be suspended, bill read third time, and put upon its final passage. Carried.



Read third time, and passed by the following vote : —

*Ayes* — Barrett, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Mr. Boswell — 1.

Absent, Messrs. Bailey and Pounds — 2.

Title agreed to.

The Speaker gave notice that he had signed C. Bs. Nos. 13 and 17, and Council Substitute for H. B. No. 2, they having passed both Houses.

Moved by Mr. Barrett, that leave of absence granted Mr. Bailey be withdrawn. Carried.

C. B. No. 25 was taken up, read first and second times, and, on motion of Mr. Bailey, referred to special committee.

Messrs. Bailey, Forbis, and Boswell, committee.

H. B. No. 1 was ordered enrolled.

C. B. No. 12 was taken up, read first and second times, and referred to select committee.

Gibbs, Lamme, and Barrett, committee.

C. B. No. 19 was taken up, read first and second times.

Moved by Mr. Barrett, that rules be suspended, bill read third time, and put upon its final passage. Carried.

Read third time and lost by the following vote : —

*Ayes* — Messrs. Barrett, Browne, Cope, Cockerill, Gibbs, Jordan, Lamme, Scott, and Mr. Speaker — 9.

*Nays* — Messrs. Bailey, Boswell, Collins, Elwell, Forbis, Hickman, Murphy, Smith, Wann, Williams — 10.

Absent, Mr. Pounds.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that C. Bs. Nos. 12, 4, 19, '9, had been passed.

Also, H. B. No. 3, with title amended, and H. Bs. Nos. 17, 21, 23, 24, and 25.

Also, C. J. R. No. 1.

Also, that the Council had receded from their amendment to H. B. No. 1.

Mr. Forbis gave notice that at 11 o'clock to-morrow, he will move a reconsideration of the vote by which C. B. No. 19 was lost.

Mr. Barrett introduced H. J. R. No. 4, previous notice having been given, "For the appropriation of money for the benefit of the estate of J. S. Rockfellow, deceased," read first and second times, and referred to select committee.

Barrett, Jordan, and Collins, committee.

Mr. Wann, by consent, introduced H. B. No. 39, "An Act to amend an act amendatory of an act entitled 'An Act relating to counties and county officers, approved January 11, 1869,'" read first and second times.

Moved by Mr. Wann, that the rules be suspended, bill considered engrossed, read third time, and put upon its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker—19.

*Nays*—none.

Absent, Mr. Pounds.

On motion of Mr. Bailey, House took a recess until 2 P. M.

TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Committee on Enrollment reported H. Bs. Nos. 1, 3, 25, 24 and 23, correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 1, 3, 23, 24 and 25, they having been passed by both Houses.

Committee on Finance reported back H. B. No. 37, with amendments, and recommended its passage.

Moved by Collins, the report be received and adopted. Carried.

Select Committee to whom was referred H. J. R. No. 4, reported bill back, and recommended its passage.

Moved by Mr. Collins, that the report be received and adopted and committee discharged. Carried.

Moved by Mr. Barrett, that the rules be suspended, bill be considered engrossed, read third time and put on its final passage. Carried.

Read third time, and passed by the following vote: —

*Ayes* — Messrs. Bailey, Barrett, Boswell, Browne, Cope, Collins, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Messrs. Cockerill and Pounds.

Moved by Mr. Wann, that H. B. No. 37 be taken up, rules suspended, bill, as amended, considered engrossed, read third time, and on its final passage. Carried.

Read third time, and passed by the following vote: —

*Ayes* — Messrs. Bailey, Boswell, Browne, Cope, Collins, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.



Absent, Messrs. Barrett, Cockerill, and Pounds — 3.

Mr. Hickman moved that a committee of three be appointed by the House, to act with a like committee from the Council to ascertain and report whether or not, an appropriation should be made for the purpose of securing to the territory the title to lands on which the arsenals are located, and if so, how much should be appropriated for said purpose. Carried.

Hickman, Forbis, and Lamme, committee.

On motion of Mr. Wann, H. B. No. 34 was taken from the table and indefinitely postponed.

Committee on enrollment reported H. Bs. Nos. 1, 3, 23, 24, and 25, were handed to the Governor at 2½ P. M. this day.

Special Committee on C. B. No. 25, reported bill back and recommended it do pass without amendment.

Report read and adopted, and committee discharged.

Moved by Mr. Barrett, that the rules be suspended, bill read third time, and put on its final passage. Carried.

Bill read third time and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Scott, Wann, Williams, and Mr. Speaker — 14.

*Nays* — Messrs. Gibbs, Hickman, and Smith — 3.

Absent, Messrs. Boswell, Collins, and Pounds — 3.

Title agreed to.

Mr. Bailey introduced H. B. No. 40, previous notice having been given, “An Act to amend an act entitled ‘An Act concerning limitations, approved February 9, 1865,’” read first and times.

Moved by Mr. Bailey, that the rules be suspended, bill considered engrossed, read third time, and put upon its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes* — Messrs. Bailey, Boswell, Browne, Cope, Collins, Cock-

erill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Mr. Elwell — 1.

Absent, Messrs. Barrett and Pounds — 2.

Title agreed to.

H. B. No. 34 was taken up, and, on motion of Mr. Barrett, was ordered engrossed.

C. B. No. 15 was taken up, read first and second times, and referred to a select committee. Messrs. Lamme, Forbis, and Boswell, committee.

Communication from the Council, through R. E. Leveridge, Chief Clerk, asking the House to recede from amendment to C. B. No. 13.

C. B. No. 13 was taken up.

On motion of Mr. Barrett, the House refused to recede from its amendment to the bill by the following vote:—

*Ayes* — Messrs. Cockerill, Cope, Forbis, and Jordan — 4.

*Nays* — Messrs. Barrett, Bailey, Boswell, Browne, Collins, Elwell, Gibbs, Hickman, Lamme, Murphy, Scott, Smith, Wann, Williams, and Mr. Speaker — 15.

Absent, Mr. Pounds — 1.

The Chief Clerk was instructed to request the Council to return C. J. R. No. 1.

H. B. No. 4 was returned by the Governor (without his approval), together with his objections.

EXECUTIVE OFFICE,  
MONTANA TERRITORY, Dec. 23, 1869. }

*Gentlemen of the Legislative Assembly :—*

I herewith return House Bill No. 4 without my approval.

It must be well known to your honorable body that the compensation paid by the national government to its territorial officials, is utterly inadequate.

The knowledge of this fact induced the Legislative Assembly, in 1865, to add to the compensation paid by the national gov-

ernment twenty-five hundred dollars annually to the Governor and each of the Territorial Judges.

At the same session, the Legislative Assembly increased the compensation of its members twelve dollars per day and mileage, in addition to the amount paid them by the national government.

The Legislative Assembly, by act approved December 24, 1867, added one thousand dollars per annum to the salary paid the Secretary.

Subsequently the act of January 24, 1865, providing additional compensation to the Governor and Judges, was repealed, and the amount fixed at one thousand dollars each, while the additional compensation paid to the members of the Legislative Assembly remained as now, at twelve dollars per day and mileage.

If the proposition to abolish the additional compensation paid the Secretary had included all the territorial officials, and the members of the Legislative Assembly, it would have received my approval.

The Secretary is a faithful public officer, and has done no official act to justify such an unmistakable mark of your condemnation.

JAMES M. ASHLEY.

Moved by Mr. Barrett, an immediate reconsideration of the vote by which H. B. No. 4 was passed.

Amended by Mr. Wann, that eleven o'clock to-morrow be made the special hour for its reconsideration.

Amendment adopted.

Moved by Mr. Forbis, that the House adjourn until ten A. M. to-morrow. Carried.



## NINETEENTH DAY.

DECEMBER 24, 1869.

House met. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

Committee on Enrollment reported H. B. No. 17, as correctly enrolled.

Mr. Speaker gave notice that he had signed H. B. No. 17, it having passed both Houses.

Committee on Engrossment reported H. B. No. 37 correctly engrossed.

Special Committee on C. B. No. 12 reported bill back and recommended its passage.

Moved by Mr. Cockerill, that the report be received and adopted, and committee discharged.

Mr. Wann was called to the chair.

Mr. Boyce gave notice that he would at some future day introduce a bill entitled "An Act to repeal and amend certain acts or parts of acts granting extra compensation to certain officers."

Mr. Speaker gave notice that he had signed C. B. No. 25, the bill having passed both Houses.

Committee on Enrollment reported that H. B. No. 17 was handed to the Governor for his approval at 10½ o'clock this A. M. December 24th, 1869.

H. B. No. 30 was taken up, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — Mr. Cope — 1.

Absent, Mr. Elwell — 1.

Majority of Select Committee, to whom was referred C. B. No. 4, reported bill back, and recommended its passage.

Mr. Smith moved that the report be laid on the table until a minority report is presented. Lost.

Mr. Jordan moved that the report be received and adopted, and committee discharged.

Amended by Mr. Barrett, that the report be received. Carried.

Minority of Select Committee, by Mr. Barrett, to whom was referred C. B. No. 4, reported bill back, and recommended it do pass.

Mr. Smith moved that the report on C. B. No. 4 and the bill be made special order of business at 7 o'clock this P. M. Carried.

Select Committee on C. B. No. 15 reported bill back, and recommended its passage.

Moved by Mr. Lamme, that the report be received and adopted, and committee discharged. Carried.

Moved by Mr. Barrett, that the report and bill be made special order of business on Monday at 11 o'clock.

Amended by Mr. Wann, that the rules be suspended, bill read third time, and put on its final passage. Lost.

Question on original motion. Carried.

Moved by Mr. Forbis, that the vote by which C. B. No. 19 was lost be reconsidered. Carried.

Bill taken up, read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Jordan, Lamme, Murphy, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — Messrs. Elwell, Hickman, and Pounds — 3.

Absent, Mr. Scott—1.

Moved, that action on the Governor's veto of H. B. No. 4 be deferred until 11 A. M. on Monday. Carried.

Moved by Mr. Jordan, that a committee of three be appointed to wait on the Governor, and enquire whether his veto message was intended as official or not. Carried.

Committee, Barrett, Jordan, and Forbis.

Moved by Mr. Hickman, that the motion be laid on the table. Lost.

C. B. No. 12 was taken up, read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Smith, Wann, Williams, and Mr. Speaker—19.

*Nays*—none.

Absent, Mr. Scott.

H. B. No. 33 was taken up, read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Smith, Wann, Williams, and Mr. Speaker—18.

*Nays*—Mr. Gibbs—1.

Absent, Mr. Scott.

H. B. No. 35 was taken up and ordered to be engrossed.

Moved by Mr. Smith, that H. R. 21 be suspended. Carried.

On motion of Mr. Barrett, House took a recess until 2 P. M.



TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Moved by Mr. Barrett, that P. E. Evans be granted leave of absence until 10 o'clock A. M. on Monday. Carried.

On motion of Mr. Barrett, leave of absence was granted Mr. Bailey until 10 o'clock A. M. on Monday.

Moved by Mr. Barrett, that the Auditor's and Treasurer's reports be referred to Committee on Ways and Means. Carried.

Moved by Mr. Barrett, that H. B. No. 15 and H. Substitute be indefinitely postponed. Carried.

Committee on Engrossment reported H. B. No. 32 correctly engrossed.

Moved by Mr. Wann, that H. B. No. 32 be taken up, rules suspended, bill read third time, and put on its final passage. Carried.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice of the introduction of the following bills: —

By Mr. English, C. B. No. 26, "An Act to regulate fees of the clerks in district courts in Montana territory."

By Mr. Mitchell, C. B. No. 27, "An Act to authorize the Territorial Auditor to issue a triplicate territorial warrant in lieu of territorial warrant No. 3, of 248, for \$390, to Mr. E. W. Haskell."

By Mr. Word, C. B. No. 28, "An Act to repeal an act giving extra or increased compensation to the Governor of Montana territory."

Also, C. B. No. 29, "An Act to repeal an act giving extra compensation to members and attaches of the Legislative Assembly of Montana territory."

By Mr. English, C. B. No. 30, "A Bill to incorporate the town of Helena."

By Mr. Edwards, C. B. No. 31, "An Act to amend an act en-

titled 'An Act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby, approved December 12, 1867.'"

By Mr. Watson, C. B. No. 32, "An Act providing for the laying out and establishing of a territorial road from Medicine Lodge Pass, in Beaver Head county, to the city of Helena, in Lewis and Clarke county."

By Mr. Barnes, "An Act to repeal an act to amend an act entitled 'An Act to provide increased compensation to officers in this territory, approved January 15, 1869.'"

That the Council has concurred in the House amendment to C. B. No. 13.

That the C. Bs. Nos. 23, 28, and 29 have passed the Council.

That H. R. No. 1 has passed the Council.

That C. J. R. No. 1 has been enrolled.

Also, that Mr. George has given notice of "A Bill concerning lost goods and estrays, approved January 11, 1865."

H. B. No. 32 was taken up, read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Browne, Boswell, Cope, Cockerill, Collins, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Messrs. Bailey and Smith.

On motion of Mr. Collins, Messrs. Forbis and Pounds were given leave of absence for one hour.

C. B. No. 23 was taken up, read first and second times.

Moved by Mr. Barrett, that the bill be referred to Committee of the Whole for instant action. Carried.

House went into Committee of the Whole. Mr. Barrett in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Wann was called to the chair.

Mr. Boyce introduced H. B. No 41, "An Act to repeal and amend certain acts or parts of acts, granting extra compensation to certain officers, read first and second times.

Moved by Mr. Boswell, that the bill be indefinitely postponed.

Mr. Boswell moved a call of the House.

Roll called — absent, Messrs. Elwell, Cockerill, and Smith.

Moved by Mr. Collins, that a further call of the House be suspended. Carried.

Mr. Hickman moved, that the bill be made the special order of business for 11 A. M. on Monday. Lost.

Mr. Boswell moved a call of the House. Carried.

Absent, Messrs. Cockerill, Elwell, and Smith.

Mr. Collins moved that a further call of the House be suspended. Carried.

Moved by Mr. Barrett, that the motion be indefinitely postponed.

H. B. No. 41 be laid on the table. Carried.

Moved by Mr. Barrett, that the bill be referred to Committee on Finance. Carried.

On motion of Mr. Barrett, House adjourned to 10 A. M. Monday.

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## TWENTY-SECOND DAY.

DECEMBER 27, 1869.

House met. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Minutes of Friday read and approved.

Sergeant-at-Arms reported Messrs. Cockerill, Elwell, and Smith present.



On motion of Mr. Barrett, H. J. R. No. 1 was taken up, with Council amendment, and laid on the table for further action.

On motion of Mr. Jordan, C. B. No. 4 was taken up.

Moved by Mr. Jordan, that the bill be taken from the Committee of the Whole and placed before the House.

Amended by Mr. Barrett, that the House go into Committee of the Whole to consider the bill at once. Carried.

House went into Committee of the Whole to consider C. B. No. 4.

Mr. Barrett in the chair.

House resumed. Mr. Speaker in the chair.

Select Committee to wait on the Governor, respecting his veto message on H. B. No. 4, offered the following report:—

MR. SPEAKER:—Your Select Committee to wait upon the Governor, and ascertain in what manner his objection to H. B. No. 4 was conveyed to this House, whether as official or in a private capacity, respectfully beg to report:—

That we have waited on His Excellency. He says that, emanating (as it does) from the Executive office, is sufficient evidence of its official nature; cites as authority, all signatures of the President of the United States, as recorded in the *Congressional Globe*.

Mr. Smith moved that the report be received and the committee discharged. Carried.

Mr. Barrett, as chairman of the Committee of the Whole, on C. B. No. 4, asked time to report. Granted.

C. B. No. 28 was, on motion of Mr. Cockerill, taken up, read first and second times.

Moved by Mr. Wann, that the bill be laid on the table. Carried.

On motion of Mr. Cockerill, C. B. 29 was taken up, read first and second times.

Moved by Mr. Barrett, that the bill be rejected. Carried.

Committee of the Whole reported back C. B. No. 4, without amendment, and recommend that it pass.

Moved by Mr. Jordan, that the report be received and adopted. Carried.

Moved by Mr. Jordan, that the rules be suspended, bill be read third time, and put upon its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes*—Messrs. Bailey, Boswell, Browne, Cope, Elwell Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—16.

*Nays*—Messrs. Barrett, Collins, Cockerill—3.

Absent, Mr. Murphy—1.

Title agreed to.

Mr. Barrett introduced the following notice:—

MR. SPEAKER:—I will, to-morrow or some future day, introduce “A Bill to change the county seat of Lewis and Clarke county.”  
BARRETT.

Committee on Engrossment reported H. Bs. Nos. 30 and 35 correctly engrossed.

On motion of Mr. Collins, House went into Committee of the Whole to consider C. B. No. 15. Mr. Jordan in the chair.

House resumed.

Mr. Barrett, by consent, introduced H. B. No. 212, “An Act in relation to the recorders of Madison and Beaver Head counties, Montana territory.”

Read first and second times, and referred to select committee, Messrs. Bailey and Hickman.

Mr. Boswell introduced H. J. R. No. 5, “A Bill to authorize the Territorial Auditor to issue a warrant to Messrs. Lichel & Mahan for fifty dollars.”

Read first and second times, rules suspended, considered engrossed, read third time and passed.

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 20.

*Nays* — none.

Committee of the Whole reported back C. B. No. 23, with amendments, and recommend it pass, as amended.

Moved by Mr. Barrett, that the report be received and adopted, and the bill be made special order of business in Committee of the Whole, at 3 P. M. this day. Carried.

Committee on Engrossment reported H. B. No. 33 correctly engrossed.

Mr. Browne, by consent, introduced H. B. No. 43, "An Act in relation to costs," read first and second times, and referred to Judiciary Committee.

Mr. Collins, by consent, introduced H. B. No. 44, "An Act to secure persons and animals from danger arising from mining and other excavations."

Read first and second times, and rejected.

Committee of the Whole reported back C. B. No. 15, recommending its passage.

Report received and adopted.

Moved by Mr. Wann, that the rules be suspended, bill read third time, and put upon its final-passage vote.

*Ayes* — Messrs. Bailey, Browne, Cope, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams — 13.

*Nays* — Messrs. Barrett, Collins, Gibbs, Hickman, Smith, and Mr. Speaker — 6.

Absent, Mr. Boswell — 1.

Title agreed to.

Committee on Towns and Counties reported back H. B. No. 27, and recommended its passage.



Report received and adopted.

Moved by Mr. Barrett, that the Chief Clerk be instructed to engage the services of an assistant for the purpose of completing the records of the Journal. Carried.

Mr. Boswell offered the following resolution : —

*Resolved*, By this House, the Council concurring, that there shall be no more bills entertained in either Houses during this session.

On motion of Mr. Barrett, rejected.

Mr. Barrett moved that H. B. No. 27 be considered engrossed for third reading. Carried.

On motion of Mr. Barrett, House took a recess to 2 P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Cockerill, by consent, introduced H. B. No. 45, "An Act regulating the taxation of quartz mills."

Read first and second times, and referred to Committee on Ways and Means.

Select Committee, to whom was referred H. B. No. 42, reported bill back, and recommended its passage.

On motion of Mr. Cockerill, report received and adopted, and committee discharged.

On motion of Mr. Cockerill, H. B. No. 42 was taken up and read for information.

Mr. Cope offered an amendment to strike out "Madison county" wherever it occurs in the bill. Lost.

Amended by Mr. Barrett, that section 8 shall read as follows : —

“That the county commissioners be authorized to let the contract of transcribing said district records to the lowest bidder, and make section 8 section 9.”

Amended by Mr. Wann, that it shall be discretionary with the county commissioners whether the records shall be transcribed or not. Carried.

Mr. Speaker gave notice that he had signed the following bills, they having passed both houses :— C. J. R. No. 1, and C. Bs. Nos. 9, 12, and 19.

Moved by Mr. Barrett, that H. B. No. 40 be adopted, as amended. Carried.

Bill ordered engrossed.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that the following bills had passed that House :—

C. Bs. Nos. 16, 24, 27, 34, and 35 ; also, H. Bs. Nos. 18, 19, and 37 ; also, H. B. No. 39, with amendments. H. B. No. 28 was lost.

The Council refused to concur in the House amendment to C. B. No. 11, and respectfully asks the House to recede therefrom.

Also, Mr. English has introduced a petition from the members of the Helena Bar, asking the Legislative Assembly not to repeal or lessen in any manner the compensation provided in an act entitled “An Act to amend an act entitled ‘An Act to provide increased compensation to the officers of this territory, approved December 6th, 1867.’”

Committee on Judiciary reported back H. B. No. 34, and recommended its passage.

On motion of Mr. Cockerill, report received and adopted.

C. B. No. 27 was taken up, read first and second times.

Moved by Mr. Elwell, that the rules be suspended, bill read third time, and put on its final passage. Carried.

Read third time, and passed by the following vote :—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Messrs. Boswell and Scott.

C. B. No. 24 was taken up, and, on motion of Mr. Barrett, read first time by its title.

Read second time and referred to Select Committee.

Committee, Messrs. Jordan, Boswell, and Forbis.

House went into Committee of the Whole to consider C. B. No. 23.

Mr. Forbis in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Cockerill, House adjourned to to-morrow, 10 o'clock.

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## TWENTY-THIRD DAY.

DECEMBER 28th, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Minutes of yesterday read and approved.

H. B. No. 39, with Council amendments, was taken up and read.

Moved by Mr. Barrett, that this House concur in the amendment. Carried.



C. B. No. 16 was taken up, read first and second times, and referred to Judiciary Committee.

C. B. No. 34 was taken up, read first and second times.

On motion of Mr. Wann, rules suspended, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.

Absent, Messrs. Boswell, Collins, and Cockerill — 3.

Mr. Speaker gave notice that he had signed C. Bs. Nos. 4 and 15, they having passed both Houses.

C. B. No. 35 was taken up, read first and second times, and referred to Judiciary Committee.

H. B. No. 27 was taken up, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 19.

*Nays* — none.

Absent, Mr. Boswell.

Title agreed to.

Mr. Barrett was called to the chair.

H. B. No. 35 was taken up, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Murphy, Scott, Smith, Wann, Williams — 15.

*Nays* — Messrs. Boswell, Elwell, Lamme, Pounds — 4.

Absent, Mr. Speaker.

Title agreed to.

H. B. No. 42 was taken up.

Moved by Mr. Wann, that rules be suspended, bill considered engrossed, read third time, and put on its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Smith, Scott, Wann, Williams, and Mr. Speaker — 19.

*Nays* — Mr. Boswell — 1.

Title agreed to.

Committee of the Whole reported back C. B. No. 23, with amendments.

Ordered engrossed.

Select Committee on C. B. No. 24 reported bill back, and recommended its passage.

Report received and committee discharged.

Mr. Boyce introduced H. J. M. No. 1.

*To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled:—*

Your memorialists, the Legislative Council and House of Representatives composing the Legislative Assembly of the territory of Montana, would respectfully represent, that the present approach to the territory from the Union Pacific Railroad, some four hundred (400) miles in distance is by a road which, for a portion of the distance, passes through a mountainous country; another portion through vast sandy alkali plains; that it is at all times both difficult and dangerous, and of much greater length than necessary; that various special franchises have been granted by the neighboring territory, rendering the tolls upon it oppressive, and greatly increasing in amount the price of provisions brought over it into this territory; that as a military road it is vastly expensive to the government, and has ever been one of the chief impediments to the growth and prosperity of the territory.

They would further represent, that during the past year, in the effort to explore another route, it has been discovered that a road,

commencing one branch at Fort Ellis, and the other at the city of Helena, and uniting in the valley of the Madison river, and traversing Henry's Pass of the Rocky Mountains to Henry's lake, thence down the east side of Henry's lake and Henry's fork of the Snake river, to that stream; in all a distance of one hundred and thirty-five miles, would overcome the worst obstacles of the present route, reduce the distance some seventy-five miles, and afford a solid and level road-way, instead of the sandy plains and high mountains which now impede the passage to the railroad.

This new route, if improved, would greatly facilitate the means of travel into the territory, afford a fine road for government and military purposes, and being free from tolls, would greatly reduce the price of groceries and provisions brought into the territory for home consumption.

It would, moreover, be in direct line with the military posts in the territory, and at all seasons of the year escape the obstructions of mud, sand, and mountains so frequently encountered on the main route now traveled, and the one heretofore employed by the government, by way of Carter and Soda Springs.

The character of the route, the probable expense of improving it, distance, etc., are more fully set forth in a preliminary survey made during the past season, which is hereto attached and made a part of this memorial.

Your memorialists would further represent, that the present population of Montana, by reason of the various reverses in business, are unable to bear the expense of constructing a free road over this route. There are several streams, including the Snake river, to be crossed by bridges, which constitute the chief costs of construction.

It would require an outlay not to exceed forty thousand dollars, but this would be more than repaid to the government by the facilities afforded by the road in the transportation of government stores to the various military posts, and in the advantages which would be secured to the territory by an early construction of the road.

Your memorialists would therefore pray that an appropriation of forty thousand (40,000) dollars, to be expended under the dir-



ection of competent engineers, be appropriated for the early commencement and completion of this much-needed improvement. And your memorialists will ever pray, &c.

Read first and second times, rules suspended, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 20.

*Nays* — none.

The following resolution was introduced by Mr. Smith : —

*Resolved*, By the House of Representatives of the territory of Montana, that the Speaker, of the House appoint a committee of investigation, consisting of two Democrats and one Republican, to enquire into and investigate the accounts, funds and general business of the office of the Territorial Auditor and Territorial Treasurer, with power to summon witnesses, administer oaths, and make a thorough investigation of all the affairs of said offices, and that said committee have authority to report at any time.

Resolution adopted.

Bailey, Cope, and Smith, committee.

H. B. No. 4 was taken up, and the vote by which it was originally passed was reconsidered, and lost by the following vote :—

*Ayes* — Messrs. Cope, Cockerill, Elwell, Lamme, Murphy, Pounds, Scott, Williams, and Mr. Speaker — 9.

*Nays* — Messrs. Barrett, Bailey, Boswell, Browne, Collins, Forbis, Gibbs, Hickman, Jordan, Smith, and Wann — 11.

Committee on Ways and Means reported back H. B. No. 45 without recommendation.

On motion of Mr. Elwell, the bill was indefinitely postponed.

C. B. No. 24 was taken up, and, on motion Mr. Wann, was referred to Committee on the Whole for immediate action.

House went into Committee of the Whole. Mr. Wann in the chair.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Forbis, House took a recess to 2 P. M.

TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Barrett moved a call of the House.

Roll called — absent, Messrs. Forbis, Pounds, and Smith.

Sergeant-at-Arms was instructed to bring in absentees.

Sergeant-at-Arms reported Messrs. Forbis, Pounds, and Smith present.

A further call of the House was dispensed with, and House resumed.

Moved by Mr. Barrett, that the vote by which H. B. No. 4 was lost be reconsidered. Carried by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — Messrs. Gibbs and Hickman — 2.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving the following notice: —

That H. Bs. Nos. 13, 16, and 26, with amendments, had passed the Council; that H. B. No. 30, was lost; that C. Bs. Nos. 18, 26, and 32 had passed the Council; that C. B. No. 25, having been returned by His Excellency, the Governor, to the Council, with his objections to the same becoming a law, has been reconsidered by the Council, and has been passed by a two-third vote, the objections of the Governor to the contrary, notwithstanding.

H. B. No. No. 4 was read third time, and notwithstanding the objections of the Governor, was passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Messrs. Gibbs, Hickman, and Smith — 3.

Moved by Mr. Collins, that the vote by which the resolution of Mr. Smith, appointing a committee to examine the Territorial

Auditor and Treasurer's books, be reconsidered. Carried by the following vote: —

*Ayes* — Messrs. Barrett, Boswell, Browne, Cope, Cockerill, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 14.

*Nays* — Messrs. Bailey, Collins, Elwell, Gibbs, Hickman, and Smith — 6.

Moved by Mr. Barrett, that the resolution be laid on the table. Carried by the following vote: —

*Ayes* — Messrs. Barrett, Boswell, Browne, Cope, Collins, Cockerill, Forbis, Lamme, Pounds, Scott, Wann, Williams — 12.

*Nays* — Messrs. Bailey, Elwell, Gibbs, Hickman, Jordan, Murphy, Smith, and Mr. Speaker — 8.

Committee on Enrollment reported H. Bs. Nos. 18, 19, 37, and 39 correctly enrolled.

Committee of the Whole reported back C. B. No. 24, with amendment, and recommended it pass, as amended.

Committee on Engrossment reported H. B. No. 42 as correctly engrossed.

On motion of Mr. Wann, C. B. No. 28 was taken up from the table. Carried.

On motion of Mr. Boyce, rules suspended, bill read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 18.

*Nays* — Messrs. Gibbs and Smith — 2.

Mr. Hickman gave notice that he would move a reconsideration of the vote at 3 P. M. to-morrow.

C. B. No. 25 (returned by the Governor with objections) was taken up and read third time, and, on motion of Mr. Browne, the vote by which it passed was reconsidered.

Moved by Mr. Barrett, that, notwithstanding the objections of the Governor, the bill do pass.



Passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Boswell, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Messrs. Gibbs, Hickman, and Smith — 3.

The Speaker gave notice that he had signed H. Bs. Nos. 18, 19, 31, and 39, they having passed both Houses.

Committee on Finance reported back H. B. No. 31, recommending it do not pass; and, also, offer a substitute in lieu of the bill, with recommendation that it pass. Report adopted.

Moved by Mr. Wann, that the bill and substitute be made special order of business for 11 A. M. to-morrow. Carried.

On motion of Mr. Barrett, conditional leave was granted Mr. Boswell.

Mr. Cope offered the following resolution:—

*Resolved*, By the House of Representatives of the Territory of Montana: Section 1. That the Speaker be hereby authorized to appoint two Republicans and one Democrat from the House, whose duty shall be to examine the past acts of the members of this body, ascertain whether or not any of them ever violated section 91 of the Criminal Practice Act, passed and approved at the first session of the Montana Legislature, which says, in substance, if any member of the Legislative Assembly shall at any time receive a bribe, the said member shall thereafter be disqualified from holding any office of trust, honor, or profit in this territory. And the said committee shall have power to send for witnesses, administer oaths, and examine any books in the territory in which the desired information may be found.

*And be it further resolved*, If it be proven to said committee that any member of this body did ever or at any time sell his vote or receive a bribe, the said member shall be and is hereby expelled.

Moved by Mr. Collins, that the resolution be indefinitely postponed. Carried.

Moved by Mr. Wann, that the House take a recess till to-morrow, ten o'clock.

Amended by Mr. Elwell, to seven o'clock this evening. Carried.

House took recess to seven P. M.

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SEVEN O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Elwell introduced H. J. R. No. 7, as follows: —

*Resolved*, By the House, the Council concurring, that the county commissioners of Lewis and Clarke, and Madison counties, be and are hereby authorized to procure a suitable person at each place to take charge of and keep in order the arms and ammunition in the arsenals at Helena and Virginia City. That the Auditor is hereby directed to draw his warrant in favor of such two persons, quarterly, to the extent of two hundred dollars each, per annum, upon the certificates of the county commissioners that the services required have been performed.

That so much of H. J. R. approved January 15, 1869, authorizing the government to procure such proper persons and directing the Auditor to draw warrants for four (4) hundred dollars each per annum, be, and is hereby repealed.

Read first and second times, and referred to Committee on Finance.

C. B. No. 32 was taken up, read first and second times.

Moved by Mr. Cockerill, that the bill be indefinitely postponed. Carried.

Mr. Barrett offered the following resolution: —

WHEREAS, on the 23d day of December, A. D. 1869, the Hon. A. J. Smith, of Beaver Head county, did, in the House of

Representatives of the Legislative Assembly of Montana, give the following notice:—

MR. SPEAKER:—I will on to-morrow introduce “A Bill prohibiting any person from holding any office in the gift of the people of this territory, or of appointment, unless he can produce a certificate that he has served at least three years in the Confederate service, or has lived at least five years in Missouri.

SMITH.

AND WHEREAS, It is the belief of this House, that said member at the time he gave such notice did not, nor does he now intend to introduce such a bill, and that it is the belief of this House, that the same was given with the intent to offer an insult to this House;

AND WHEREAS, Such conduct is unworthy and unbecoming a gentleman, and an Honorable member of the Legislature; therefore be it

*Resolved*, That the Speaker of this House be directed to remand the said Honorable member, A. J. Smith, that said notice be stricken from the files, and that any minute thereof be expunged from the Journal of this House.

Moved by Mr. Forbis, that the resolution be laid on the table. Carried.

Moved by Mr. Cockerill, that the notice given by Mr. Smith, on the 18th day of the session, be expunged from the records. Carried by the following vote:—

*Ayes*—Messrs. Barrett, Bailey, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy—10.

*Nays*—Messrs. Browne, Elwell, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—8.

Absent, Mr. Cope.

Mr. Wann moved that the vote by which H. B. No. 41 was made the special order of business for to-morrow morning be reconsidered. Lost.

C. B. No. 24 was taken up, and, on motion of Mr. Barrett, was indefinitely postponed.



Mr. Barrett gave notice that he would, at 11 o'clock to-morrow, move a reconsideration of the foregoing vote.

Judiciary Committee reported back C. B. No. 35, recommending its passage.

Report received and adopted.

Moved by Mr. Wann, that the rules be suspended, bill read third time and put upon its final passage. Carried.

Bill read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Williams, Mr. Speaker — 19.

*Nays* — none.

H. B. No. 26, with Council amendments, was taken up, and Council amendments concurred in.

Moved by Mr. Barrett, that the House adjourn to to-morrow at 10 o'clock. Lost.

Mr. Pounds offered the following resolution: —

*Resolved*, That the bills on the Speaker's desk be taken up and disposed of. Carried.

Mr. Barrett moved a call of the House.

Roll called — absent, Mr. Boswell.

Further call of the House dispensed with.

Mr. Barrett moved a reconsideration of the vote by which H. B. No. 41 and substitute was made the special order for 11 o'clock to-morrow. Carried.

Mr. Barrett moved the bill be indefinitely postponed.

Mr. Cockerill moved the motion be laid on the table. Carried.

Mr. Jordan moved an adjournment till to-morrow, 10 o'clock. Lost.

Mr. Barrett offered the following amendment to the substitute for H. B. No. 41 after the word "after," the 15th day of January, 1870, be inserted, and the words "its passage" be stricken out. Lost.

On motion of Mr. Jordan, House adjourned to 10 o'clock to-morrow.

## TWENTY-FOURTH DAY.

DECEMBER 29, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Minutes of yesterday read.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that C. B. No. 31 has passed the Council: —

H. B. No. 35 has passed the Council.

H. B. No. 43 has been rejected.

H. B. No. 4 passed the Council by a two-thirds vote, notwithstanding the objections of the Governor, and that H. B. No. 29 has been lost.

Mr. Barrett moved a reconsideration of the vote by which C. B. No. 24, with amendments, was indefinitely postponed. Carried.

Mr. Jordan moved that the rules be suspended, amendments considered engrossed, read third time, and put on its final passage. Carried.

Read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Cockerill, Elwell, Forbis, Gibbs, Jordan, Lamme, Murphy, Pounds, Scott, Williams, and Mr. Speaker — 12.

*Nays* — Messrs. Bailey, Browne, Cope, Collins, Hickman, Smith, and Wann — 7.

On motion of Mr. Collins, leave of absence was granted Rev. G. Comfort during the balance of this session.

Committee on Enrollment reported that H. Bs. Nos. 18, 19, 37, and 39 were handed to the Governor for his approval at 5 o'clock p. m. yesterday.

Mr. Bailey introduced, by consent, H. B. No. 46, "An Act to provide for the transcription, correction, and revision of the district court records of the first judicial district, in and for the county of Madison.

Read first and second times.

Moved by Mr. Cope, that the bill be laid on the table.

Amendment of Mr. Hickman, that the rules be suspended, bill considered engrossed, read third time, and put on its final passage. Carried.

Mr. Wann, by consent, offered the following amendment to the bill : —

Sec. 4. That the county commissioners shall have discretionary power whether they deem it to the interest of the public to have the records transcribed or not, and to employ such person or persons to perform said work as in their judgment they may deem best.

Moved by Mr. Forbis, that the vote by which the bill was ordered to its third reading be reconsidered, and the bill be referred to a select committee of the Madison county members. Carried.

Mr. Speaker gave notice that he had signed C. Bs. Nos. 11, 27, and 34.

Committee on Finance reported back H. J. R. No. 7, and recommended its passage.

Report adopted.

Moved by Mr. Elwell, that the rules be suspended, bill considered engrossed, read third time, and put upon its final passage.

Read third time, and passed by the following vote : —

*Ayes* — Messrs. Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — Mr. Barrett.

Moved by Mr. Collins, that the Sergeant-at-Arms be directed to fetch the Fireman into the House, and that the Speaker be



requested to reprimand him for his continued negligence. Carried.

Mr. Wann called to the chair.

Substitute for H. B. No. 41 was taken up and ordered to a third reading.

On motion of Mr. Barrett, the order was reconsidered, and bill ordered to be engrossed.

The Chief Clerk was instructed to ask of the Council where and when H. B. No. 29 was lost.

The following resolution was offered by Mr. Jordan : —

*Resolved*, By this House, that the Committee on Ways and Means, appointed to act with a like committee from the Council to examine the accounts and books of the Territorial Auditor and Treasurer, be empowered to send for witnesses, and procure such other evidence as they may think necessary in the discharge of said examination.

Resolution adopted.

Committee on Judiciary reported back C. B. No. 16, and recommend its passage.

Report received and adopted.

C. B. No. 16 was taken up, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Cockerill, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 14.

*Nays* — Mr. Elwell — 1.

Title agreed to.

C. B. No. 13, with Council amendments, was taken up, and amendments read and concurred in.

H. B. No. 16, with Council amendments, was taken up, amendments read and concurred in.

C. B. No. 18 was taken up, read first time, and rejected.

Mr. Collins introduced H. B. No. 47, "An Act to repeal sections 3 and 10 of an act relating to the discovery and possessory right of all placer mines."

Read first and second times, rules suspended, bill considered engrossed, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Mr. Elwell.

Title agreed to.

On motion of Mr. Forbis, House adjourned to 2 P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

C. B. No. 31 was taken up, read first and second times, and referred to Committee on Towns and Counties.

H. B. No. 42 was taken up and read for information.

Mr. Cope offered the following amendment: Strike out the words "Madison county" wherever it occurs in the bill. Adopted.

Moved by Mr. Browne, that the bill, as amended, be indefinitely postponed. Carried.

Mr. Pounds introduced H. B. No. 48, "An Act to authorize district attorneys of this territory to appoint deputies."

Read first and second times.

Moved by Mr. Wann, that the rules be suspended, bill considered engrossed, read third time, and put upon its final passage. Carried.

Read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Mr. Elwell — 1.

Committee on Enrollment reported H. Bs. No. 13, 26, and 35 correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 13, 26, and 35, they having passed both Houses.

Mr. Bailey, chairman of Madison county members, to whom H. B. No. 46 was referred, reported bill back and recommended that it be indefinitely postponed.

On motion of Mr. Cope, the report was adopted and indefinitely postponed.

Committee on Engrossment reported House amendment to C. B. No. 24 correctly engrossed.

Judiciary Committee reported back C. B. No. 26, and recommended it do not pass.

Moved by Mr. Cockerill, that report be received and bill laid on the table. Carried.

On motion of Mr. Wann, House took a recess for fifteen minutes.

House resumed. Mr. Speaker in the chair.

Committee on Enrollment reported that H. Bs. Nos. 13, 26, and 35 were handed to the Governor, for approval, at 2½ this P. M.

Mr. Barrett introduced H. B. No. 49, "An Act to relocate the county seat of Lewis and Clarke county."

Read first and second times, and, on motion of Mr. Williams, rejected.

Mr. Collins introduced H. B. No. 50 "An Act to repeal an



act entitled ‘An Act to repeal an act entitled an act to prevent the sale of intoxicating liquors to soldiers.’”

Read first and second times, and referred to special committee. Messrs. Collins Murphy, and Hickman, committee.

Committee on Towns and Counties reported back C. B. No. 31, and recommend its passage.

Report read and adopted.

Bill read for information, and, on motion of Mr. Lamme, made special order of business for eleven A. M. to-morrow.

Committee on Engrossment reported substitute for H. B. No. 41 correctly engrossed.

Bill taken up, and, on motion of Mr. Bailey, read third time, and passed by the following vote: —

*Ayes* — Messrs. Bailey, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Mr. Barrett — 1.

Absent, Mr. Elwell.

Title agreed to.

Mr. Wann introduced H. J. R. No. 8: —

*Resolved*, By the House, the Council concurring, that the Secretary be requested to furnish to the members of both Houses of the Assembly, a copy of the laws and journals passed at this session, as soon as convenient, after printed.

Read first and second times.

Amendment by Mr. Barrett, to strike out “a copy” in the fourth line, after the word “assembly,” and insert “two copies, and to each of the Clerks and Sergeant-at-Arms, one copy each.” Adopted.

Moved by Mr. Barrett, that the resolution, as amended, be adopted. Carried.

H. J. M. No. 1, with Council amended title, was taken up, and the amendment concurred in.

Mr. Jordan, by consent, introduced H. B. No. 51, "An Act to repeal an act creating the office of Territorial Superintendent of Public Instruction, enacted by the first Legislative Assembly of the territory of Montana."

Read first time.

Moved by Mr. Collins that the bill be rejected. Lost.

Read third time.

Moved by Mr. Jordan, that the rules be suspended, bill considered engrossed, read third time, and put on its final passage.

Mr. Collins moved a call of the House.

Roll called.

Absent, Mr. Smith.

Sergeant-at-Arms reported Mr. Smith in his seat.

On motion of Mr. Forbis, a further call of the House was dispensed with.

Moved by Mr. Cope, that the House take a recess until 7 o'clock P. M.

Amended by Mr. —, to 10 A. M. to-morrow. Lost.

Question on the motion of Mr. Cope. Lost.

Question on the suspension of the rules. Lost.

On motion of Mr. Wann, House adjourned to 10 A. M. to-morrow.

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## TWENTY-FIFTH DAY.

DECEMBER 30, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Mr. Speaker gave notice that he had signed C. Bs. Nos. 28 and 35, they having passed both Houses.

C. B. No. 23, with House amendments, was taken up, and, on motion of Mr. Collins, rules were suspended, bill read third time, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Brown, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Mr. Cope.

Title agreed to.

Committee on Engrossment reported the amendments to C. B. No. 23, as correctly engrossed.

Special Committee, to whom was referred H. B. No. 50, reported bill back, and recommend its passage.

Report received, and committee discharged.

Mr. Wann was called to the chair.

Bill read for information.

Mr. Cockerill offered the following amendment: —

And be it further enacted, that hereafter any person or persons selling intoxicated liquors to the members of the House of Representatives, or any of its attaches, shall be guilty of a misdemeanor, and shall be find in a sum of not less than fifty, or more than one hundred dollars, by any court of competent jurisdiction.

Mr. Boyce moved that the amendment be rejected. Carried.

Mr. Boyce moved that the bill be indefinitely postponed. Carried.

H. B. No. 51 was taken up and referred to Committee on Education.

C. B. No. 31 was taken up, and amended by striking out sec. 2, bill read third time as amended, and passed by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.



*Nays* — Messrs. Browne and Murphy — 2.

Title agreed to.

Committee on Education reported back H. B. No 51, and recommend its passage.

Report received and adopted.

Moved by Mr. Gibbs, that the bill be indefinitely postponed.  
Lost.

Moved by Mr Jordan, that the rules be suspended, bill considered engrossed, read third time, and put on its final passage.  
Carried.

Read third time by its title and passed by the following vote : —

*Ayes* — Messrs. Barrett, Cope, Cockerill, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Williams, and Mr. Speaker — 12.

*Nays* — Messrs. Browne, Collins, Gibbs, Hickman, Smith, and Wann — 6.

Absent, Mr. Bailey.

Title agreed to.

Communication received from the Council, through R. E. Leveridge, Chief Clerk, giving notice that H. Bs. Nos. 5, 32, and 47, with amendments, Council Substitutes for H. Bs. Nos. 7 and 40, C. J. R. No. 2, C. Bs. Nos. 30 and 38 had passed the Council.

H. B. No. 28 was indefinitely postponed.

Also, that Barnes had, by consent, introduced C. B. No. 37, "An Act authorizing the county commissioners of the several counties within the territory of Montana to regulate and establish the tolls on bridges and ferries," and that the bill has passed the Council.

That the vote by which H. B. No. 6 was indefinitely postponed was reconsidered.

C. B. No. 37 was taken up, read first and second times.

Moved by Mr. Jordan, that the rules be suspended, bill read third time, and put on its final passage. Carried.

Read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Browne, Cope, Collins, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — Messrs. Elwell and Gibbs — 2.

Absent, Mr. Bailey — 1.

Title agreed to.

C. J. R. No. 2 was taken up, read first and second times, and, on motion of Mr. Barrett, rules suspended, read third time, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Browne, Cope, Cockerill, Elwell, Forbis, Gibbs, Hickman, Lamme, Murphy, Pounds, Smith, Wann, and Mr. Speaker — 15.

*Nays* — Messrs. Collins, Jordan, and Scott — 3.

Absent, Mr. Bailey.

C. B. No. 30 was taken up.

Moved by Mr. Smith, that the rules be suspended, and the bill read third time by its title. Carried.

Read first and second times, and referred to select committee.

Smith, Forbis, and Williams, committee.

H. J. R. No. 5, with Council amendments, was taken up.

Amendment concurred in, and ordered to be enrolled.

H. B. No. 47 was taken up, Council amendment concurred in, and bill ordered to be enrolled.

H. B. No. 32 was taken up, Council amendment concurred in, and ordered to be enrolled.

H. B. No. 7, with Council Substitute, was taken up and substitute adopted, and ordered enrolled.

TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that the Council refused to concur in House amendment to section 14 of C. B. No. 23, and respectfully asked the House to recede therefrom.

Committee on Enrollment reported H. Bs. Nos. 16 and 47, and H. J. R. No. 5 correctly enrolled.

Mr. Speaker gave notice that he had signed H. J. M. No. 1, H. J. R. No. 5, and H. Bs. Nos. 16 and 47, they having passed the House.

The House Amendment to section 14 C. B. No. 23 was then taken up, and, on motion of Mr. Wann, this House refused to recede from it, and ask a Committee of Conference.

Council Substitute for H. B. No. 40 was taken up, read for information, and concurred in.

C. B. No. 8 was taken up, read first and second times.

Amendment offered by Mr. Wann to strike out section 5. Lost.

Moved by Mr. Elwell, that the bill be indefinitely postponed.

Moved by Mr. Collins, the motion be laid on the table.

Carried by the following vote : —

*Ayes* — Messrs. Bailey, Cope, Cockerill, Hickman, Jordan, Lamme, Murphy, Scott, and Mr. Speaker — 9.

*Nays* — Messrs. Barrett, Browne, Elwell, Gibbs, Pounds, Smith, Wann, and Williams — 8.

Amendment offered by Mr. Smith to strike out the words “attaches” in section 4, line 3; also, an amendment to the amendment striking out the words “and attaches.” Carried.

Mr. Wann moved a reconsideration of the vote by which the motion to strike out section 5 of the bill was lost.



Moved by Mr. Collins, that the motion be laid on the table.  
Carried.

Moved by Mr. Forbis, that the bill be made special order of business at 2 P. M. to-morrow.

Moved by Mr. Barrett, that it be deferred to 11 A. M. on Monday next.

Moved by Mr. Collins, that the motion be laid on the table.  
Carried.

Moved by Mr. Jordan, that the motion of Mr. Forbis be laid on the table. Lost.

Amended by Mr. Barrett, that 3 P. M. to-morrow be the special hour for consideration of the bill. Carried.

Committee on Enrollment reported that H. Bs. Nos. 16 and 47, H. J. M. No. 1, and H. J. R. No. 5 were handed to the Governor for his approval at 2½ P. M. this day.

H. B. No. 52, "An Act to amend an act entitled 'An Act relative to the pre-empting of town sites upon public lands and the disposal of trusts created thereby, approved November 12, 1867,'" was introduced by Mr. Barrett.

Read first and second times, and referred to Select Committee.

Committee, Browne, Barrett, and Lamme.

Communication from the Council, through R. E. Leveridge, Chief Clerk, that H. B. No. 27 was placed upon its final passage and lost.

Also, that Mr. Barnes, by consent, without previous notice, introduced C. B. No. 39, "A Bill defining the duties of Territorial Auditor and Treasurer," and that the bill has passed the Council.

Also, the Council has declined to appoint a Conference Committee to consider amendment to C. B. No. 23, but have concurred in the amendment.

Mr. Smith was called to the chair.

The Select Committee, to whom was referred C. B. No. 30, reported back with amendments, and recommended its passage, as amended.

Report and amendments received and adopted, and committee discharged.

The bill was taken up, read third time by its title, and passed, as amended, by the following vote : —

*Ayes* — Messrs. Bailey, Browne, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Smith, Williams, and Mr. Speaker — 14.

*Nays* — none.

Absent, Messrs. Cope, Murphy, Scott, and Wann — 4.

Title agreed to.

On motion of Mr. Boyce, C. B. No. 29 was taken up, read first and second times, rules suspended, bill read third time by its title, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Smith, Williams, and Mr. Speaker — 14.

*Nays* — none.

Absent, Messrs. Cope, Elwell, Murphy, Scott, and Wann.

Title agreed to.

Committee on Enrollment reported H. B. No. 7 and C. Substitute enrolled correctly.

Mr. Speaker gave notice that he had signed C. Substitute to H. B. No. 7, it having passed both houses.

On motion of Mr. Forbis, House adjourned to 10 A. M. tomorrow.

## TWENTY-SIXTH DAY.

DECEMBER 31, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Mr. Forbis moved a reconsideration of the vote by which C. B. No. 30 passed this House. Carried.

Mr. Smith moved the bill be indefinitely postponed. Carried.

Mr. Forbis, by consent, introduced H. B. No. 53, "An Act to authorize the Auditor of Montana territory to perform certain duties."

Read first and second times.

Moved by Mr. Scott, that the rules be suspended, bill considered engrossed, read third time, and put on its final passage. Carried.

Bill read third time and passed by the following vote: —

*Ayes* — Messrs. Barrett, Browne, Collins, Cockerill, Forbis, Gibbs, Jordan, Lamme, Murphy, Pounds, Scott, Wann, and Mr. Speaker — 13.

*Nays* — Messrs. Cope, Elwell, and Smith — 3.

Absent by leave, Mr. Boswell.

Absent, Messrs. Bailey, Hickman, and Williams.

Title agreed to.

Committee on Enrollment reported that H. Bs. Nos. 7 and 32 were handed to the Governor for approval, at ten o'clock and fifteen minutes this day.

H. B. No. 6, with Council amendments, was taken up, amendments concurred in, and ordered to be enrolled.

C. B. No. 31 was taken up, and, on motion of Mr. Cockerill, House agreed to recede from their amendments.



C. B. No. 24 (returned from the Council) was taken up.

Moved by Mr. Barrett, that the House refuse to recede from their amendments to the bill. Carried.

Moved by Mr. Barrett, that the Chief Clerk inform the Council that that the House refuse to recede from their amendments, and ask a Conference Committee. Carried.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that H. B. No. 6, with amendments, H. B. No. 51, H. J. R. No. 9, had passed the Council, and returning C. Bs. Nos. 24 and 31, asking the House to recede from their amendments thereto.

Mr. Speaker gave notice that he had signed H. B. No. 32, it having passed both Houses.

Committee on Engrossment reported H. B. No. 53 correctly engrossed.

Mr. Wann was called to the chair.

House took recess for fifteen minutes.

House resumed. Mr. Speaker in the chair.

Committee on Enrollment reported Council Substitute to H. B. No. 40 as correctly engrossed.

Mr. Speaker gave notice that he had signed Council Substitute to H. B. No. 40, it having passed both Houses.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that Mr. George (by consent without notice) introduced C. B. No. 41, "An Act to amend an act in relation to the appointment of deputy district attorneys, approved December 23, 1867," and that the bill had passed the Council. Also, that the House appointed Committee of Conference to confer with a like committee from the Council to consider C. B. No. 24.

Mr. Collins (by consent, without previous notice) introduced H. B. No. 54, "An Act to amend an act entitled 'An Act to locate the seat of Government in and for the territory of Montana, passed January 24, 1865.'"

Read first time.

Moved by Mr. Wann, that the bill be rejected. Lost.

Read second time by its title.

Moved by Mr. Barrett, that the bill be referred to a select committee of three.

Amended by Mr. Elwell, that it be referred to the Madison county members.

Amended by Mr. Cockerill, that it be referred to one member from each delegation. Carried.

Mr. Wann moved a reconsideration of the vote.

Moved by Mr. Cope, that the House take a recess to 2 P. M. Lost.

Chair appointed Messrs. Cockerill, Bailey, Collins, Forbis, Jordan, Pounds, and Smith, Special Committee on H. B. No. 54, and Messrs. Bailey, Forbis, and Pounds, Conference Committee to confer with Council Committee on C. B. No. 24.

House took a recess to 2 o'clock.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Barrett moved that the Chief Clerk be instructed to ask the Council to return C. B. No. 23, with House amendments, to this House, for examination. Carried.

Mr. Barrett moved that the vote by which C. B. No. 30 was indefinitely postponed be reconsidered. Carried by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Browne, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Murphy, Scott, Wann, and Williams — 14.

*Nays* — Messrs. Lamme, Pounds, and Mr. Speaker — 3.

Absent by leave, Mr. Boswell.

Absent, Messrs. Cope and Smith.

Moved by Mr. Cockerill that the Council be asked to return C. B. No. 30 to this House.

On motion of Mr. Elwell, House took recess to 3 o'clock.

THREE O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Quorum present.

Mr. Speaker gave notice that he had signed C. J. R. No. 2, and C. B. No. 37, they having passed both Houses.

Committee on Enrollment reported H. J. R. No. 7, and H. Bs. Nos. 6, 40, and 51 correctly enrolled.

H. J. R. No. 1 was taken from the table.

Moved by Mr. Barrett, that the resolution be indefinitely postponed. Carried by the following vote: —

*Ayes* — Messrs. Barrett, Browne, Cope, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — Mr. Elwell — 1.

Absent by leave, Mr. Boswell.

Absent, Messrs. Bailey and Gibbs.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 6, 7, and 51, they having passed both Houses.

The Conference Committee on C. B. No. 24 offered the following report: —

MR. SPEAKER: — The Joint Conference Committee to whom was referred C. B. No. 24, have had the same under consideration, and it was agreed, on the part of the Council Committee, that the Council would concur in House amendment to the same.

Report received and adopted, and committee discharged.

C. B. No. 41 was taken up, read first and second times.

Moved by Mr. Collins, that the rules be suspended, bill read third time, and put upon its final passage. Lost.

Moved by Mr. Scott, that the bill be indefinitely postponed. Lost.



Moved by Mr. Jordan, that the bill be referred to the members from Deere Lodge and Meagher counties, as a special committee. Carried.

Moved by Mr. Forbis, that H. B. No. 54 be taken from the hands of the committee to whom it was referred. Carried.

Moved by Mr. Wann, that the bill be indefinitely postponed. Carried by the following vote: —

*Ayes* — Messrs. Bailey, Brown, Cope, Collins, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — Mr. Murphy — 1.

Absent by leave, Mr. Boswell.

Absent, Messrs. Barrett and Cockerill.

Moved by Mr. Cope, that the vote by which H. B. No. 54, was indefinitely postponed be reconsidered.

Moved by Mr. Cope, that the motion be laid on the table. Carried.

Joint Committee of the Council and House offered the following report: —

MR. SPEAKER: — Your Joint Committee of the Council and House of Representatives, to whom was referred the business of contracting for and obtaining all necessary stationery, fuel, and lights, and also, to have the necessary printing for the Legislative Assembly furnished, would beg leave to report, that they have attended to their duties, and have prepared a Joint Resolution in which they have embraced all the expenses incident to their contracting, and will present the same to the Legislative Assembly and ask that it do pass.

POUNDS, *Chairman.*

Mr. Pounds introduced H. J. R. No. 9, "An Act authorizing the Territorial Auditor to draw certain warrants.

Read first and second times, rules suspended, bill considered engrossed, read third time by its title, and passed by the following vote: —

*Ayes* — Messrs. Bailey, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent on leave, Mr. Boswell.

Absent, Mr. Barrett.

Title agreed to.

On motion of Mr. Bailey, House adjourned to 10 A. M. to-morrow.

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## TWENTY-SEVENTH DAY.

JANUARY 1, 1870.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

On motion of Mr. Forbis, House adjourned to 10 A. M. on Monday, January 3, 1870.

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## TWENTY-NINTH DAY.

JANUARY 3, 1870.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of Saturday read and approved.

Committee on Enrollment reported that H. Bs. Nos. 6, 40, and 51, and H. J. R. No. 7 were handed to the Governor for approval at 4½ P. M. December 31, 1869.

Special Committee, to whom was referred C. B. No. 41, reported bill back, and recommended the same do pass.

Report received and committee discharged.

Mr. Barrett introduced, by consent, H. B. No. 54, "An Act to amend an act entitled 'An Act concerning licenses, approved January 15, 1869.'"

Read first and second times, rules suspended, bill considered engrossed, read third time, and passed by following vote:—

*Ayes* — Messrs. Barrett, Browne, Cope, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.

Title agreed to.

Absent, Messrs. Bailey, Boswell, and Collins.

C. B. No. 41 was taken up, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Browne, Cope, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.

Title agreed to.

Absent, Messrs. Bailey, Boswell, and Collins.

H. J. R. No. 8 was taken up, considered engrossed, rules suspended, read third time by its title, and passed by the following vote:—

*Ayes* — Messrs. Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Scott, Wann, Williams, and Mr. Speaker — 14.

*Nays* — Messrs. Barrett, Elwell, and Murphy — 3.

Absent, Messrs. Bailey and Smith.

Title agreed to.

Mr. Gibbs introduced H. B. No. 56, "An Act to organize a bureau of immigration for Montana territory."



Read first and second times, and rejected by the following vote : —

*Ayes* — Messrs. Cope, Elwell, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, and Williams — 9.

*Nays* — Messrs. Barrett, Browne; Collins, Cockerill, Gibbs, Hickman, Wann, and Mr. Speaker — 8.

Absent, Messrs. Bailey and Smith.

Mr. Cockerill gave notice that he would move a reconsideration of the vote, to-morrow at 11 A. M.

Mr. Cope introduced H. J. R. No. 10, regarding adjourning on Wednesday, January 5th, 1870.

Read first and second times.

Moved by Mr. Collins, that it be referred to a select committee. Lost.

Mr. Cockerill moved to strike out 5 and insert 6.

Mr. Barrett moved to amend by striking out 6 and inserting 7.

Mr. Lamme moved to lay the amendment to the amendment on the table.

Carried by the following vote : —

*Ayes* — Messrs. Barrett, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Scott, Wann, Williams, and Mr. Speaker — 15.

*Nays* — Elwell and Pounds — 2.

Absent, Messrs. Bailey and Smith.

On motion of Mr. Collins, the motion of Mr. Cockerill was laid on the table.

On motion of Mr. Wann, Mr. Cope's resolution was laid on the table by the following vote : —

*Ayes* — Messrs. Barrett, Browne, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Wann, and Mr. Speaker — 11.

*Nays* — Messrs. Cope, Elwell, Murphy, Pounds, Scott, and Williams — 6.

Absent, Messrs. Bailey and Smith.

Mr. Cockerill introduced H. B. No. 57, "An Act defining the qualifications of jurors, and county and township officers in Montana territory."

Read first time, and, on motion of Mr. Gibbs, the bill was rejected.

The Select Committee to whom was referred C. B. No. 8, reported as follows: —

MR. SPEAKER: — Your committee have carefully considered the bill, and respectfully recommend the following amendment: Strike out the words "and attaches" in third line, in section 4, and, also, strike out all of section 5. In the opinion of your committee, mileage should not be allowed persons from a distance wishing to be elected as attaches; and we further believe that it would be difficult to get an efficient officer to act as prosecuting attorney at a salary of one thousand dollars per annum.

Therefore, beg leave to report the bill back to the House, recommending its passage as herein amended.

H. JORDAN, *Chairman*.

Report adopted and committee discharged.

Moved by Mr. Wann, that the bill be adopted, as amended. Carried.

Moved by Mr. Wann, that the amendments be considered engrossed, rules suspended, read third time, and put upon its final passage. Carried.

Read third time by its title, and passed by the following vote: —

*Ayes* — Messrs. Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Scott, Wann, Williams, and Mr. Speaker — 14.

*Nays* — Messrs. Barrett, Elwell, and Murphy — 3.

Absent, Messrs. Bailey and Smith.

On motion of Mr. Cockerill, House took recess to 2 P. M.

TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Communication from Messrs. Maguire & Wright (presenting a copy of the *Pick and Plow* newspaper to each member) was read by the Chief Clerk.

On motion of Mr. Collins, the thanks of this House were tendered to Messrs. Maguire & Wright.

Communication received from the Council, through R. E. Leveridge, Chief Clerk, giving notice that C. B. No. 40, and H. Bs. Nos. 53 and 55; also, C. J. R. No. 4, and H. J. R. No. 8, with amendments, had passed the Council. Also, that Mr. Watson had introduced C. B. No. 42, "An act amendatory of an act entitled 'An Act to regulate proceedings and define the jurisdiction of probate courts of the territory of Montana,'" and that the bill has passed the Council. Also, that H. J. Rs. Nos. 4 and 9 passed the Council. Also, the following:—

MR. SPEAKER:—I am directed by the Council to ask your honorable body, by unanimous vote of the House, to ask the Governor to return to the House H. B. No. 40, "An Act to amend an act concerning limitations," to correct an error in the date of approval.

R. E. LEVERIDGE, *Chief Clerk*.

H. J. R. No. 8 was taken up, Council amendments read, and concurred in.

C. J. R. No. 4, "An Act to authorize the Auditor of the territory to draw a certain warrant," was taken up.

Read first and second times, rules suspended, read third time by title, and passed by following vote:—

*Ayes*—Messrs. Barrett, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—18.

*Nays*—none.



Absent, Mr. Bailey.

Title agreed to.

Moved by Mr. Wann, that this House, by an unanimous vote, respectfully request His Excellency the Governor, to return H. B. No. 40, to correct an error in the date of its approval. Carried.

Special Committee, to whom was referred H. B. No. 52, reported back, with amendments, and recommended it pass, as amended.

Report adopted and committee discharged.

C. B. No. 42, "An Act amendatory to an act entitled 'An Act to regulate proceedings and define the jurisdiction of the probate courts of the territory of Montana.'"

Read first and second times, and referred to Select Committee, Messrs. Collins, Lamme, and Jordan.

Committee on Engrossment reported H. B. No. 52, and amendment to C. B. No. 8 correctly engrossed.

H. B. No. 52, as amended, was taken up, read third time, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Browne, Cope, Collins, Cockerill, Forbis, Hickman, Jordan, Lamme, Murphy, Scott, Wann, Williams, and Mr. Speaker—14.

*Nays*—Messrs. Elwell, Pounds, and Smith—3.

Absent, Messrs. Bailey and Gibbs.

Title agreed to.

C. B. No. 40, "An Act to regulate the fees of district attorneys in Montana territory," was taken up.

Read first and second times, rules suspended, read third time by title, and passed by the following vote:—

*Ayes*—Messrs. Barrett, Cope, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker—15.

*Nays*—Messrs. Browne, Collins, and Lamme—3.

Absent, Mr. Bailey.

Title agreed to.

Mr. Barrett moved a reconsideration of the vote at ten A. M. to-morrow.

Amended by Mr. Wann, that it be reconsidered at once.

Moved by Mr. Cockerill, that the motion of Mr. Barrett and the amendment of Mr. Wann be laid on the table. Carried.

Mr. Forbis moved a reconsideration of the vote by which C. B. No. 30 was indefinitely postponed. Carried.

Bill read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Browne, Cope, Collins, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 16.

*Nays* — Mr. Lamme.

Absent, Messrs. Bailey and Smith.

Committee on Enrollment reported H. J. Rs. Nos. 4 and 9 correctly enrolled.

Mr. Speaker gave notice that he had signed H. J. Rs. Nos. 4 and 9, they having passed both houses.

House took recess to 3½ P. M.

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HALF-PAST THREE P. M.

House resumed. Mr. Speaker in the chair.

Committee on Enrollment reported H. Bs. Nos. 53 and 55, and H. J. R. No. 8 correctly enrolled.

Mr. Speaker gave notice that he had signed H. Bs. Nos. 53 and 55, they having passed both Houses.

Mr. Barrett introduced H. J. R. No. 11, "An Act authorizing the Auditor to draw certain warrants."

Read first time, and rejected by the following vote:—

*Ayes* — Messrs. Browne, Cope, Cockerill, Elwell, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 15.

*Nays* — Mr. Barrett.

Absent, Messrs. Bailey, Collins, and Smith.

On motion, House adjourned to 10 A. M. to-morrow.

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### THIRTIETH DAY.

JANUARY 4, 1869.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read, corrected, and approved.

Special Committee to whom was referred C. B. No. 42, "An Act amendatory to an act entitled 'An Act to regulate proceeding, and defining the jurisdiction of the probate courts of the territory of Montana,'" reported bill back, and recommend it do pass.

Report received and adopted, and committee discharged.

On motion of Mr. Collins, rules suspended, read third time, and passed by the following vote : —

*Ayes* — Messrs. Cope, Collins, Cockerill, Elwell, Forbis, Hickman, Jordan, Lamme, Murphy, Pounds, Wann, Williams, and Mr. Speaker — 13.

*Nays* — Mr. Browne.

Absent, Messrs. Barrett, Bailey, Gibbs, Scott, and Smith.

Title agreed to.

H. J. R. No. 12, "An Act to appropriate money to J. Thompson and William Deascey," was introduced by Mr. Elwell.



Read first time, and rejected by the following vote:—

*Ayes*—Messrs. Browne, Cope, Collins, Cockerill, Forbis, Hickman, Jordan, Lamme, Pounds, Wann, and Williams—11.

*Nays*—Messrs. Elwell, Murphy, and Mr. Speaker—3.

Absent, Messrs. Barrett, Bailey, Gibbs, Scott, and Smith.

Mr. Cockerill moved a reconsideration of the vote at 11 o'clock A. M. to-morrow.

Mr. Brown amended by reconsidering the vote immediately.

Mr. Collins moved that the motion and amendment be laid on the table. Carried.

Mr. Elwell moved a call of the House.

Roll called—absent, Messrs. Gibbs and Smith.

On motion of Mr. Cope, a further call of the House was dispensed with.

House resumed.

Committee on Enrollment reported H. Bs. Nos. 53 and 55, and H. J. Rs. Nos. 4, 8, 9, were handed to the Governor for his approval, at 10½ o'clock this A. M.

Moved by Mr. Collins, that during the remainder of the session, the member be allowed to smoke within the bar of the House.

Mr. Speaker ruled the motion out of order.

Committee on Ways and Means, to whom was referred the Auditor's and Treasurer's report, submitted the following:—

The report of the Territorial Treasurer shows a balance of funds (appropriated by law to the sinking fund for the redemption of bonds) to the amount of ten thousand three hundred and fifty-nine dollars and ten cents (\$10,359.10).

The following correspondence and statement are given as exhibits of the deposits of the above amount.

[Copy.]

*Messrs. Hussey, Dahler & Co., Bankers Virginia City, Montana Territory : —*

GENTLEMEN:— I am instructed by the Committee on Ways and Means of the Council of Montana to enquire the amount of funds deposited in your hands at this place and Helena, to the credit of W. G. Barkley, Esq., Territorial Treasurer.

I am desired, by the committee, to request an immediate answer in writing, in order that a report may be made to the Council to-day. Respectfully,

[Signed]

S. D. JOHNS,  
*Clerk Com. Ways and Means of the Council,*  
*Virginia City, Dec. 29, 1869.*

[Copy.]

BANKING HOUSE HUSSEY, DAHLER & Co., }  
 VIRGINIA CITY, M. T. December 30, 1869. }

*Mr. S. D. Johns, Clerk Committee on Ways and Means, Council, Virginia City, Montana Territory :—*

DEAR SIR:— In reply to yours of this date, requesting to know the amount of funds deposited in this office to credit of W. G. Barkley, Esq., and also amount to his credit at our Helena office, we reply that W. G. Barkley has to his credit at this office eight thousand five hundred and seventy dollars and sixty-five cents (\$8,570.65), and to his credit with us in our Helena office one thousand and forty-one dollars and thirty-two cents (\$1,041.32).

Very respectfully, your obedient servants,  
 HUSSEY, DAHLER & CO.

(Kinney.)

There are now in the Treasurer's office acknowledgments of credits, certificates of deposits with Northrup & Chick, bankers, at No. 6 Wall street, New York city, and cash on hand for the following amounts:—

With Northrup and Chick :—

|                    |           |
|--------------------|-----------|
| Nov. 20, 1869..... | \$ 321 99 |
| “ 29, “ .....      | 2,500 00  |
| “ 2, “ .....       | 1,850 00  |
| “ 4, “ .....       | 42 00     |

RECAPITULATION.

With Hussey, Dahler & Co.:—

|   |                        |
|---|------------------------|
| At Virginia City.....   | \$8,570 65             |
| At Helena.....  | 1,041 32               |
| Cash on hand in Treasurer's safe.....   | 98 14                  |
|   | <hr/> \$14,424 10      |
| Deduct for deposits with Northrup & Chick,<br>New York, to pay interest Coupons due<br>Dec. 1, 1869 ..... | <br><br><br>\$4,065 00 |
| Leaving a balance to sinking fund.....  | <hr/> \$10,359 10      |

The Treasurer's office contains receipts from the Territorial Auditor, and returned coupons for the amount stated in the report, as follows :—

|  |                  |
|--|------------------|
| Coupons paid in New York, June 1, 1869.....    | \$2,413 08       |
| “ “ “ Virginia City, M. T. June 1, 1869, ..... | 2,207 02         |
| “ “ “ New York, Dec. 1, 1869 .....             | 4,065 00         |
| “ “ “ Virginia City, Dec. 1869.....            | 705 00           |
|  | <hr/> \$9,390 10 |

Also, territorial warrants paid to amount of..... \$1,890 71

The Auditor's books, together with vouchers and receipts in the hands of the Treasurer, show the following disbursements:—

For expenses of the Territorial Legislature for the session of 1868 and 1869, including amounts paid to clerks and attaches.....\$28,628 60

Amounts of warrants drawn on the Territorial Treasurer for the payment of United States officers:—

|                                      |                  |
|--------------------------------------|------------------|
| To Chief Justice.....                | \$791 67         |
| “ Judge 2d judicial district.....    | 791 67           |
| “ “ 3d “ “ .....                     | 567 74           |
| “ Territorial Secretary (Tufts)..... | 766 67           |
|                                      | <hr/> \$2,917 75 |



|  |                 |
|--|-----------------|
| For locating penitentiary (Wade).....        | \$ 550 50       |
| “ building arsenal.....                      | 2,000 00        |
| “ storage and care of arms and ordnance..... | 1,101 00        |
|  | —————\$3,651 50 |

Amount paid for apprehension and custody  
of territorial prisoners: —

|                                 |                 |
|---------------------------------|-----------------|
| County of Lewis and Clarke..... | \$511 50        |
| “ “ Deer Lodge.....             | 2,277 00        |
| “ “ Madison.....                | 822 00          |
| “ “ Wm. Berken.....             | 733 84          |
|                                 | —————\$4,344 34 |

Paid for litigation: —

|  |                 |
|--|-----------------|
| To Davis & Thoroughman.....                          | \$550 00        |
| “ Addison Smith, Treas. of Deer Lodge<br>county..... | 700 00          |
|  | —————\$1,250 00 |

Salaries of district attorneys: —

|                              |                 |
|------------------------------|-----------------|
| First judicial district..... | \$1,500 00      |
| 2d “ “ .....                 | 1,500 00        |
| 3d “ “ .....                 | 1,500 00        |
|                              | —————\$4,500 00 |

Paid for fuel, lights, stationery, and furni-  
ture for offices of Territorial Auditor  
and Treasurer: —

|                                     |               |
|-------------------------------------|---------------|
| For safe .....                      | \$300 00      |
| “ rent.....                         | 250 00        |
| “ stationery, lights, and fuel..... | 278 08        |
|                                     | —————\$828 08 |

Paid Superintendent of Public Instruction: —

|                           |                 |
|---------------------------|-----------------|
| For salary .....          | \$1,077 33      |
| “ desk.....               | 68 50           |
| “ stationery.....         | 23 50           |
| “ traveling expenses..... | 60 75           |
|                           | —————\$1,230 08 |

Paid Territorial Auditor: —

|   |                 |
|---|-----------------|
| For per centage on issue of warrants..... | \$2,702 01      |
| Salary.....                               | 700 00          |
|   | —————\$3,402 01 |

## Paid Territorial Treasurer : —

For per centage, being cash drawn from treas-

ury for which no warrants are drawn.....\$2,094 10

Salary in warrants..... 700 00

---

\$2,794 10

Paid to county treasurers for mileage and

per centage as per report.....\$4,825 78

For printing..... 2,433 00

Express and postal charges..... 45 80

---

\$7,304 68

Total.....

\$60,851 04

Deduct Territorial and county treasurer's

fees.....

\$6,919 85

Warrants issued.....

\$53,931 19

Total amount of revenue collected.....

\$57,923 90

Amount paid for its collection : —

To county treasurers..... \$4,825 78

Printing..... 2,433 00

Per centage to Territorial Treasurer..... 2,094 10

Express and postal charges..... 45 80

---

Total..... \$9,398 68

Making cost of collecting the entire revenue of the territory  
 16 1-5 per cent of the amount collected, exclusive of fees allowed  
 by law to county assessors.

## RECAPITULATION.

To expenses of Legislature for 1868 and 1869.....\$28,628 60

“ U. S. officers and Federal purposes..... 6,569 25

“ Territorial prisoners..... 4,344 34

“ Litigation ..... 1,250 00

“ Salary of district attorneys..... 4,500 00

“ Expenses of Auditor's and Treasurer's office..... 828 08

“ Superintendent of Public Instructions..... 1,230 08

“ Auditor's salary and per centage..... 3,402 01

“ Treasurer's “ “ “ ..... 2,794 10

|                                   |             |
|-----------------------------------|-------------|
| Paid County Treasurers.....       | 4,825 78    |
| “ for Printing.....               | 2,433 00    |
| “ Express and postal charges..... | 45 80       |
|                                   | <hr/>       |
|                                   | \$60,851 04 |

Deduct for amount paid to county treasurer  
for which no warrant was drawn, but  
retained on settlement.....\$4,825 75

Deduct per centage paid Territorial Treas-  
urer, for which no warrant is drawn.. 2,094 10  

---

\$ 6,919 85

Warrants issued as per Auditor's report.....\$53,931 19

(Signed) A. H. BARRETT, *Chairman*,  
A. J. SMITH,  
H. JORDAN.

Mr. Cope moved a call of the House.

Roll called — absent, Messrs. Elwell and Smith.

Sergeant-at-Arms was instructed to bring in absentees.

On motion of Mr. Wann, a further call of the House was dis-  
penssed with.

Sergeant-at-Arms reported Mr. Smith in his seat.

On motion of Mr. Barrett, the report of the Committee on  
Ways and Means was received and adopted.

Mr. Barrett introduced H. J. R. No. 13, “An Act to appro-  
priate three hundred dollars (300) to S. D. Johns, for services  
as clerk of Committee on Ways and Means.” Read first and  
second times, and referred to select committee.

Messrs. Collins, Barrett, and Jordan, committee.

Mr. Lamme introduced H. B. No. 58, “An Act for the dis-  
position of the proceeds of the sale of lots in the town of Boze-  
man, Montana territory,” read first and second times, and re-  
ferred to select committee.

Messrs. Murphy, Lamme, and Jordan, committee.



Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that H. B. No. 52, and C. J. R. No. 3 had passed the Council.

Also, that the Council refuse to concur in House amendment to sec. 4 of C. B. No. 8, and respectfully ask the House to recede therefrom.

The following communication was received from the Governor, through J. S. Fisk, Private Secretary:—

EXECUTIVE OFFICE, VIRGINIA CITY, M. T., }  
January 4, 1870. }

*Gentlemen of the House of Representatives :—*

House Joint Resolution No. 7 is hereby returned unapproved.

The Organic Act provides that the Executive shall be commander-in-chief of the militia of the territory. In view of this provision of law the War Department recognizes the Executive as the legal custodian of the public arms furnished to the territory, and holds him responsible for their safe keeping.

The Executive, therefore, cannot permit the public arms to be transferred to the care and control of persons who are not responsible to him and subject to his order.

(Signed) J. M. ASHLEY.

C. B. No. 8 returned from the Council, was, on motion of Mr. Barrett, taken up.

Moved by Mr. Barrett, that the House recede from their amendment.

Amended by Mr. Jordan, that the House *do not* recede from their amendment. Carried.

Moved by Mr. Jordan, that the House appoint a Committee of Conference, to act with Council Committee. Carried.

Committee, Messrs. Jordan, Wann, and Williams.

H. J. R. No. 7, returned unapproved by the Governor, was taken up.

Mr. Barrett moved a reconsideration of the vote by which the bill passed. Carried.

Mr. Cope moved a call of the House.

Roll called — absent, Messrs. Collins, Cockerill, Elwell.

Sergeant-at-Arms was instructed to bring in the absentees.

On motion of Mr. Barrett, a further call of the House was dispensed with.

On motion of Mr. Barrett, House took recess to 2 P. M.

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TWO O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Moved by Mr. Smith, that the report of the Committee on Ways and Means on the report of the Auditor and Treasurer, be published in the *Capital Times* newspaper, and one hundred copies printed for the use of this House. Carried.

Special Committee, to whom was referred H. J. R. No. 13, reported back with amendments and recommended it do pass.

Report received and committee discharged.

On motion of Mr. Barrett, bill adopted, as amended.

Moved by Mr. Jordan, that rules be suspended, amendment considered engrossed, read third time, and put upon its final passage. Carried.

Amendment offered by Mr. Forbis, to strike out "two hundred and forty," and insert "one hundred and forty dollars." Lost by the following vote : —

*Ayes* — Messrs. Cope, Forbis, Lamme, Wann, and Mr. Speaker — 5.

*Nays* — Messrs. Barrett, Brown, Collins, Cockerill, Gibbs, Hickman, Jordan, Murphy, Pounds, Scott, Smith, and Williams — 12.

Absent, Messrs. Bailey and Elwell.

Read third time by its title, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Browne, Collins, Cockerill, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, and Williams — 13.

*Nays* — Messrs. Cope, Forbis, Wann, and Mr. Speaker — 4.

Absent, Messrs. Bailey and Elwell.

Title agreed to.

The motion of Mr. Barrett (offered this A. M.) to reconsider the vote by which H. J. R. No. 7 was passed, was taken up and carried.

Mr. Cope moved a call of the House.

Roll called — absent, Mr. Elwell.

Sergeant-at-Arms instructed to bring in Mr. Elwell.

On motion of Mr. Barrett, a further call of the House was dispensed with.

Moved by Mr. Barrett, that H. J. R. No. 7 do pass this House, notwithstanding the Governor's objections. Lost by the following vote : —

*Ayes* — Messrs. Elwell, Lamme, Murphy, Scott, and Smith — 5.

*Nays* — Messrs. Barrett, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Pounds, Wann, Williams, and Mr. Speaker — 13.

Mr. Cope moved a reconsideration of the vote at 11 A. M. to-morrow.

Amended by Mr. Barrett, to reconsider forthwith.

Moved by Mr. Collins, that the motion and amendment be laid on the table. Carried.

Mr. Barrett introduced H. J. R. No. 14, "An Act to appropriate money for a monument to the memory of General Thomas F. Meagher."

Read first and second times.

On motion of Mr. Cope, made special order of business for eleven o'clock A. M. on Monday next.



Committee on Enrollment reported H. B. No. 52 correctly engrossed.

Select Committee, to whom was referred H. B. No. 58, reported bill back, recommending it pass.

On motion of Mr. Cockerill, report laid on table.

Mr. Speaker gave notice that he had signed H. B. No. 52, it having passed both Houses.

On motion of Mr. Smith, H. B. No. 58 was taken up.

Mr. Smith moved that the bill be laid on the table. Carried by the following vote:—

*Ayes* — Messrs. Barrett, Browne, Cope, Collins, Cockerill, Elwell, Gibbs, Hickman, Pounds, and Smith — 10.

*Nays* — Messrs. Forbis, Jordan, Lamme, Murphy, Scott, Wann, Williams, and Mr. Speaker — 8.

Moved by Mr. Cope, that the vote be reconsidered.

Moved by Mr. Cope, that the motion be laid on the table. Carried.

The following message was received from the Governor, through J. S. Fisk, Private Secretary, together with H. B. No. 51, unapproved:—

EXECUTIVE OFFICE,  
VIRGINIA CITY, M. T., Jan. 4, 1870. }

*Gentlemen of the House of Representatives:—*

House Bill No. 52, entitled “An Act to repeal an act creating the office of Territorial Superintendent of Public Instruction, enacted by the first Legislative Assembly of Montana,” is herewith returned for your reconsideration.

Nothing but the official presentation of such a record as this bill discloses could have induced the Executive to believe the fact that it was possible for any Legislative Assembly in America seriously to entertain a proposition so well calculated to impair the usefulness of public schools, and defeat the successful organization of an efficient school system.

To all American citizens, seeking homes with their families in the West, this bill is a public advertisement of the fact that Montana has no public school system worthy the name, and proposes none; but, on the contrary, that her Legislative Assembly, under the flimsy pretext of economy, enacts a law to abolish the office of Territorial Superintendent of Public Instruction, on the fact becoming known that a partisan representative of the dominant party in the Legislative Assembly is not to be appointed or receive the emoluments of said office.

An official communication of the date of December 22, 1869, from the Legislative Council, distinctly proposes to confirm a gentleman, whom they name, for Territorial Superintendent of Public Instruction, if the Executive will nominate him.

It will hardly be claimed that a proposition to abolish this office would have been entertained by the same body which proposes to confirm a partisan friend, if he had been appointed.

The office of Superintendent of Public Instruction was created by an act of the first Legislative Assembly, and neither the claim now set up, "that the office is unnecessary," or the more fallacious pretext of "economy," was ever suggested or thought of until the present Executive proposed to nominate for the position a gentleman whose character and culture would honor the office, and whose public position was a guarantee against his accepting the salary without returning a fair equivalent in labor, devoted and promoting the efficiency of our "public school" system.

The number of children in our territory to-day is far greater than our school house accommodations, and a large number of school houses and school teachers is absolutely necessary.

With this fact before you, and the certainty of a continued increase in our population, especially by immigration, no provision is made to meet the pressing wants of this year or next, notwithstanding it is well known that there can be no session of the Legislative Assembly for two years from this date, unless convened by the Executive in extraordinary session.

By the passage of this act, our schools are made the subject of partisan legislation, and a blow is struck at education which, if successful, will materially damage, and postpone for years, the organization of a school system for our territory such as an enlightened public policy demands.

Section 14 of the Organic Act secures to the territory sections 16 and 36 of the public lands in each township, for school purposes.

This munificent grant of land to Montana, is estimated to be over five (5) million acres.

The laws of the United States provide that if sections 16 and 36, or either of them, are occupied by actual settlers, prior to their public survey, the occupants cannot be disturbed, and that other sections, which are unoccupied, must be selected for school purposes.

But if no officer is authorized, on behalf of the territory, to make such selections immediately after their survey, all the more valuable lands will at once be taken up and the less valuable left for school purposes.

The selection of these lands, therefore, at the earliest day after surveys have been made, becomes an imperative necessity.

The fact is well known, that a number of the most valuable of the school sections in the territory were claimed as having been occupied prior to their survey; that said claims have been allowed, and that no other lands have been selected for school purposes in lieu thereof.

Instead of abolishing the office of Superintendent of Public Instruction, an ordinary regard for the public interest would have suggested to gentlemen charged with the guardianship of so important a trust, the enactment of a law, providing not only for the selection and location of these school lands by that officer, but also for the leasing or sale of such lands and the investment of the proceeds, so as to secure to the territory a permanent fund such as the national government contemplated when making the munificent donation which it did on our organization as a territory.

A thorough and efficient organization of the public schools in Montana is of far greater importance to the future of our territory than all your acts of public legislation combined.

No Legislative enactments can add greatly to our prosperity and advancement, or bring to Montana a more enterprising and desirable population than an act to secure to the people a well organized system of public school education.



A Legislative enactment, therefore, designed as a blow at free education, is a crime against society and free government, and an indefensible wrong to the generation which is growing up around us.

The bill is returned with the hope that, upon a reconsideration of the subject, the Legislative Assembly, instead of re-passing this act, will provide by law for the permanent establishment in Montana of that great system of education which is recognized by all civilized people as the crowning glory of American institutions.

(Signed) JAMES M. ASHLEY.

Moved by Mr. Barrett, that the vote by which H. B. No. 57 was passed be reconsidered. Carried.

Moved by Mr. Barrett, that the bill do pass, notwithstanding the Governor's objections.

Mr. Forbis was called to the chair.

On motion of Mr. Barrett, House adjourned to 10 A. M. tomorrow.

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### THIRTY-FIRST DAY.

DECEMBER 5th, 1870.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Communication from the Council, through R. E. Leveridge, Chief Clerk, that H. J. R. No. 13, had passed the Council.

Committee on Enrollment reported H. J. R. No. 13 correctly enrolled.

Mr. Speaker gave notice that he had signed C. Bs. Nos. 30, 41, and 42, C. J. R. No. 4, and H. J. R. No. 13, having passed both houses.

Mr. Wann introduced H. J. R. No. 15, "To adjourn *sine die* on January 6th, 1870, at 4 P. M."

Read first time, and made special order of business for 2 o'clock this P. M.

Mr. Hickman introduced H. J. R. No. 16, "An Act appropriating five hundred dollars to Hon. James M. Ashley for money expended on emigration."

Read first time.

Moved by Mr. Cope that it be rejected.

Lost by the following vote:—

*Ayes*—Messrs. Cope, Forbis, Murphy, Pounds, and Scott—5.

*Nays*—Messrs. Barrett, Bailey, Browne, Collins, Cockerill, Gibbs, Hickman, Jordan, Lamme, Smith, Wann, Williams and Mr. Speaker—13.

Absent, Mr. Elwell.

Read second time.

Moved by Mr. Gibbs, that it be referred to its appropriate committee.

Amended by Mr. Cope, that it be laid on the table. Lost.

Question on original motion. Carried.

C. J. R. No. 3 was taken up, read first and second times, and referred to Committee on Federal Relations.

Committee on Enrollment reported that H. B. No. 52 and H. J. R. No. 13 were handed to the Governor for approval at 10½ o'clock A. M. this day.

Mr. Barrett introduced H. J. R. No. 17, "An Act to appropriate four hundred dollars for the payment of persons to take charge of, and keep in order, the arsenals and arms of the territory."

Read first and second times, and referred to Select Committee.

Barrett, Forbis, and Lamme, committee.

On motion of Mr. Barrett, House took recess to 2 o'clock P. M.

TWO O'CLOCK P.M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

H. J. R. No. 15 was taken up.

Mr. Barrett moved to lay on the table. Lost.

Mr. Barrett moved to amend by striking out the words "January 6th," and insert "January 7th."

Mr. Pounds moved to amend by inserting instead of "January 6th," "Friday at 12 o'clock M."

Mr. Cope moved to lay on the table. Lost.

Question on Mr. Pounds' amendment. Carried.

Moved by Mr. Barrett, that the resolution, as amended, be adopted. Carried.

Read third time, as amended, and passed by the following vote :—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Forbis, Gibbs, Hickman, Jordan, Murphy, Pounds, Scott, Williams, and Mr. Speaker — 14.

*Nays* — Messrs. Cockerill, Lamme, Smith, and Wann — 4.

Title agreed to.

Mr. Barrett gave notice that he would move a reconsideration at 11 A. M. to-morrow.

Mr. Pounds moved to reconsider forthwith.

Mr. Cope moved to lay motion on table. Carried.

Select Committee to whom was referred H. J. R. No. 17, reported bill back with substitute.

Report and substitute received and adopted, and committee discharged.

On motion of Mr. Barrett, rules suspended, bill considered engrossed, read third time, and passed by following vote :—



*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cock-erill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Absent, Mr. Elwell.

Title agreed to.

Majority of Committee on Ways and Means reported back H. J. R. No. 16, and recommend its passage.

Minority of Committee also reported, recommending it do not pass.

Moved by Mr. Barrett, that the majority report be adopted.

Moved by Mr. Cope, that the motion be laid on the table.  
Carried.

H. B. No. 51 was taken up.

Moved by Mr. Barrett, that the bill do pass, notwithstanding the Governor's objections.

Mr. Cope moved a call of the House.

Roll called — absent, Mr. Elwell.

On motion of Mr. Barrett, a further call of House was dispensed with.

Mr. Smith moved a recess to 7 P. M. Lost.

Mr. Hickman moved a call of the House.

Roll called — absent, Mr. Elwell.

Mr. Barrett moved a further call of House be dispensed with.  
Carried.

Mr. Collins moved a recess to 3½ P. M. Lost.

Mr. Barrett moved a call of House.

Roll called — absent, Messrs. Brown, Collins, Elwell, Gibbs, Hickman, Smith, and Wann.

Sergeant-at-Arms was directed to arrest and bring in the absentees.

Strgeant-at-Arms reported absentees in their seats.

Mr. Barrett moved to dispense with further call. Carried.

The previous question was then put, and lost by the following vote : —

*Ayes* — Messrs. Cope, Cockerill, Forbis, Jordan, Lamme, Murphy, Pounds, Scott, Williams, and Mr. Speaker — 10.

*Nays* — Messrs. Barrett, Bailey, Browne, Collins, Elwell, Gibbs, Hickman, Smith, and Wann — 9.

The affirmative vote being less than two-thirds, Mr. Speaker declared the bill lost.

Mr. Barrett gave notice that he would move a reconsideration at 11 A. M. to-morrow.

Mr. Smith moved an immediate reconsideration.

Notice and motion ruled out of order.

Mr. Smith moved to adjourn to 10 A. M. to-morrow. Lost.

Leave of absence was grantee Messrs. Elwell and Forbis.

Communication from the Council, through R. E. Leveridge, Chief Clerk, giving notice that C. J. Rs. Nos. 5 and 6 had passed that House.

C. J. R. No. 5 was taken up, read first and second times, rules suspended, read third time by its title, and passed by the following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.

Absent, Messrs. Forbis and Elwell.

Title agreed to.

Mr. Hickman introduced H. B. No. 59, "An Act amendatory and supplementary to an act entitled 'An Act to define the duties of Territorial Superintendant of Public Instructions, approved January 15, 1869,'" read first and second times, and referred to select committee.

Messrs. Hickman, Collins, and Wann, committee.

Mr. Pounds introduced H. J. R. No. 18, "An Act to appropriate certain money," read first and second time.

On motion of Mr. Cope, rules suspended, considered engrossed, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Pounds, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — none.

Absent, Messrs. Murphy and Scott.

Title agreed to.

Committee on Engrossment reported H. J. R. No. 15 correctly engrossed.

Mr. Barrett introduced H. J. R. No. 19, "An Act to provide for printing the laws of the present session," read first and second time.

On motion of Mr. Smith, rules suspended, considered engrossed, read third time by its title, and passed by following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Forbis, Gibbs, Hickman, Lamme, Pounds, Smith, Wann, Williams, and Mr. Speaker — 15.

*Nays* — Messrs. Jordan, Murphy, and Scott — 3.

Title agreed to.

C. J. R. No. 6 was taken up, read first and second times, rules suspended, read third time by title, and passed by following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Cockerill, Forbis, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.

Absent, Mr. Collins.

Title agreed to.

On motion of Mr. Barrett, House took recess to seven this P. M.



SEVEN O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Barrett moved a call of the House.

Roll called — absent, Messrs. Collins, Hickman, and Wann.

Sergeant-at-Arms reported Mr. Collins in his seat.

Mr. Barrett moved that a further call of the House be dispensed with. Carried.

Mr. Barrett moved that the vote by which H. B. No. 51 was lost, be reconsidered.

Mr. Barrett moved a call of the House.

Roll called — absent, Messrs. Hickman and Wann.

Mr. Barrett moved a further call of the House be dispensed with. Lost.

Mr. Barrett moved that a further call of the House be dispensed with. Carried.

Mr. Cockerill moved a call of the House.

Sergeant-at-Arms reported Messrs. Hickman and Wann in their seats.

Mr. Barrett moved that a further call of the House be dispensed with. Carried.

Mr. Speaker gave notice that he had signed C. Bs. Nos. 8 and 40, having passed both Houses.

On motion of Mr. Gibbs, House adjourned to ten o'clock A. M. to-morrow.

## THIRTY-SECOND DAY.

JANUARY 6, 1870.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Minutes of yesterday read and approved.

Select Committee, to whom was referred H. B. No. 59, reported back, with amendments.

Report received and committee discharged.

On motion of Mr. Collins, report adopted, as amended.

Mr. Barrett moved to amend section 3 by striking out “one thousand” and inserting “five hundred.” Carried by the following vote: —

*Ayes* — Messrs. Barrett, Bailey, Cope, Cockerill, Elwell, Lamme, Murphy, Pounds, Scott, Williams, and Mr. Speaker — 11.

*Nays* — Messrs. Browne, Collins, Gibbs, Hickman, Jordan, Smith, and Wann — 7.

Mr. Cockerill moved to amend by striking out all the words between “of” in the second line and “county” in the fifth line. Carried.

Mr. Cope moved to strike out sections 1 and 2.

Moved by Mr. Barrett, that the bill and amendments be indefinitely postponed. Carried.

Mr. Speaker gave notice that he had signed C. J. Rs. Nos. 5 and 6, they having passed both Houses.

Committee on Federal Relations reported back C. J. R. No. 3, with amendment, and recommended its passage.

Report received and adopted.

On motion of Mr. Pounds, resolution adopted, as amended.

Moved by Mr. Barrett, that the resolution and amendments be indefinitely postponed. Lost.

On motion of Mr. Cockerill, rules suspended, read third time by title, and passed by the following vote:—

*Ayes* — Messrs. Bailey, Browne, Cope, Cockerill, Elwell, Gibbs, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, Mr. Speaker — 14.

*Nays* — Messrs. Barrett, Collins, Hickman, and Smith — 4.

Title agreed to.

Communication received from the Council, through R. E. Leveridge, Chief Clerk, giving notice that H. J. Rs. Nos. 15 and 18, and C. C. R. No. 2 had passed that House.

Mr. Cockerill introduced H. J. R. No. 20, "An Act to pay Bartlett & Weimmer forty-five (45) dollars."

Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Gibbs, Hickman, Jordan, Murphy, Pounds, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — none.

Absent, Mr. Scott.

Title agreed to.

C. C. R. No. 2 was taken up, read first and second times, rules suspended, read third time, and passed.

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 18.

*Nays* — none.

Title agreed to.

H. J. Rs. Nos. 14 and 18 were ordered enrolled.

Moved by Mr. Cope, that the minority report of the Committee on Ways and Means be adopted. Lost.



Moved by Mr. Barrett that the majority report of the Committee on Ways and Means on H. J. R. No. 16 be adopted. Lost.

Mr. Cope moved that the resolution be indefinitely postponed. Carried by the following vote : —

*Ayes* — Messrs. Bailey, Cope, Cockerill, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 11.

*Nays* — Messrs. Barrett, Browne, Collins, Elwell, Gibbs, Hickman, and Smith — 7.

Mr. Wann gave notice that he would move a reconsideration at eleven A. M. to-morrow.

Mr. Cockerill moved to reconsider forthwith.

Mr. Cope moved that the motion be laid on the table. Carried.

Mr. Pounds offered the following resolution : —

That the Chief Clerk be instructed to read the history of all the bills on the bill book to the House, that their condition may be known and what bills have become laws without the Governor's signature.

Communication from the Council, through R. E. Leveridge, Chief Clerk, that Mr. George had introduced C. C. R. No. 3, and Mr. Word C. C. R. No. 4, and that they have passed the Council.

C. C. R. was taken up, read first and second times, rules suspended, read third time, and passed by following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Elwell, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, Williams, and Mr. Speaker — 17.

*Nays* — none.

Absent, Mr. Cockerill.

Title agreed to.

On motion of Mr. Cockerill, House took recess to 2 o'clock P. M.

TWO O'CLOCK P. M.

House resumed, Mr. Speaker in the chair.

Roll called — quorum present.

The committee appointed to wait on Governor reported verbally —

That they had waited on the Governor, who had informed them that, following the precedent of the President of the United States, he had withheld the bills, but that all bills not returned by him unapproved, would be considered as having become laws, at the time prescribed by law.

Report received.

On motion of Mr. Gibbs, House took recess until 6 $\frac{3}{4}$  P. M.

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6 $\frac{3}{4}$  O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

The following communication was received from the Council, through R. E. Leveridge, Chief Clerk : —

That substitute for H. J. R. No. 17, and substitute for H. B. No. 36 have passed that house.

Council substitute for H. B. No. 36 was taken up, read first and second times, rules suspended, read third time, and passed by following vote : —

*Ayes* — Messrs. Barrett, Browne, Cope, Cockerill, Elwell, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, and Mr. Speaker — 15.

*Nays* — none.

Absent, Messrs. Bailey, Collins, and Williams.

Title agreed to.

Mr. Speaker gave notice that he had signed C. C. R. No. 1, it having passed both Houses.

Council substitute for H. J. R. No. 17 was taken up, read first and second times, rules suspended, read third time, and passed by following vote:—

*Ayes* — Messrs. Barrett, Browne, Cope, Collins, Cockerill, Elwell, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Smith, Wann, and Mr. Speaker — 16.

*Nays* — none.

Absent, Messrs. Bailey, Murphy, and Williams.

Title agreed to.

C. C. R. No. 4 was taken up, read first and second times, rules suspended, read third time, and passed by the following vote:—

*Ayes* — Messrs. Barrett, Bailey, Browne, Cope, Collins, Cockerill, Elwell, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Scott, Wann, Williams, and Mr. Speaker — 17.

*Nays* — Mr. Smith — 1.

Title agreed to.

House adjourned *en masse* to Council chamber, for the purpose of holding joint convention.

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NINE O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

On motion of Mr. Cockerill, House adjourned to 10 A. M. tomorrow.



## THIRTY-THIRD DAY.

JANUARY 7, 1870.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — no quorum present.

Prayer by Chaplain.

Mr. Collins moved a call of the House.

On motion of Mr. Collins, a further call was dispensed with.

Committee on Enrollment reported H. J. Rs. Nos. 17 and 18, and H. B. No. 36 correctly enrolled, and that they were handed to the Governor for his approval at 10½ o'clock this A. M.

Mr. Speaker gave notice that he had signed H. J. Rs. Nos. 17 and 18, and Council Substitute to H. B. No. 36; also, C. C. R. No. 4.

On motion of Mr. Cope, H. B. No. 22 was indefinitely postponed.

On motion of Mr. Barrett, the vote on H. J. R. No. 17 was reconsidered.

Resolution amended, and passed, as amended.

Communication from the Council, giving notice that C. C. Rs. Nos. 5 and 6, C. J. M. No. 1, and H. J. R. No. 20 had passed that House.

On motion of Mr. Barrett, the vote by which H. J. R. No. 18 was passed was reconsidered.

Resolution amended, and passed, as amended.

Committee on Engrossment reported amendments to H. J. Rs. Nos. 17 and 18 correctly engrossed.

On motion of Mr. Barrett, House rescinded the resolution to adjourn at 12 M. this day.

C. J. M. No. 1 was taken up, read first and second times, rules suspended, read third time, and passed by following vote:—

*Ayes* — Messrs. Barrett, Browne, Collins, Cockerill, Elwell, Hickman, Lamme, Murphy, Pounds, Smith, Wann, Williams, and Mr. Speaker — 13.

*Nays* — Messrs. Cope and Gibbs — 2.

Absent, Messrs. Bailey, Jordan, Scott.

Title agreed to.

C. C. R. No. 5 was taken up, read first and second times, rules suspended, read third time, and passed by following vote : —

*Ayes* — Messrs. Barrett, Bailey, Browne, Cockerill, Jordan, Lamme, Murphy, Pounds, Smith, Wann, and Williams — 11.

*Nays* — Messrs. Cope, Collins, Elwell, Gibbs, Hickman, and Mr. Speaker — 6.

Absent, Mr. Scott.

Title agreed to.

Committee on Enrollment reported H. J. R. No. 20 correctly enrolled.

Communication from the Council giving notice that C. C. Rs. Nos. 7 and 8 had passed that House.

C. C. R. No. 7 was taken up, read first and second times, rules suspended, read third time, and passed by following vote : —

*Ayes* — Messrs. Bailey, Browne, Cope, Collins, Cockerill, Elwell, Gibbs, Hickman, Jordan, Lamme, Murphy, Pounds, Smith, Wann, Williams, and Mr. Speaker — 16.

*Nays* — none.

Absent, Messrs. Barrett and Scott.

Title agreed to.

C. C. R. No. 8 was taken up, read first and second times, rules suspended, read third time, and lost by following vote : —

*Ayes* — Messrs. Barrett, Cockerill, Smith, and Wann — 4.

*Nays* — Messrs. Bailey, Browne, Cope, Collins, Elwell, Hickman, Jordan, Lamme, Murphy, Pounds, Williams, and Mr. Speaker — 12.

Absent, Messrs. Gibbs and Scott.

Communication from the Council, through R. E. Leveridge, Chief Clerk, that the Council had concurred in House resolution to adjourn at 4 o'clock this P. M. *sine die*.

Committee on Enrollment reported that H. J. R. No. 20 had been handed to the Governor for approval at 11:55 this A. M. and that it was approved.

Communication from the Council, through R. E. Leveridge, Chief Clerk, that that House had concurred in amendments to H. J. Rs. Nos. 17 and 18.

Mr. Hickman offered the following:—

*Resolved*, By the House of Representatives of the territory of Montana, that a vote of thanks is hereby tendered His Excellency, the Governor, for the sparing use of the veto power. Carried.

Joint Committee on printing reported, as follows:—

MR. SPEAKER:— We have seen the proprietors of the *Capital Times* newspaper, who propose to publish the laws at the rate of six and forty one-hundredths dollars per column, which is just the cost for composition.

POUNDS, *Chairman*.

Mr. Speaker gave notice that the following bill and resolution had become laws, H. Bs. Nos. 1, 3, 4, 6, 7, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 32, 35, 36, 37, 39, 40, 47, 53, and 55; H. J. Rs. Nos. 3, 4, 5, 8, and 9; H. J. M. No. 1.

On motion of Mr. Elwell, House took recess to 1½ this P. M.

*Resolved*, By the House of Representatives, that the thanks of this House are hereby tendered to the Hon. J. R. Boyce, Sr., for the able and efficient manner in which he has discharged the duties of Speaker of this House. Also, that the thanks of the House are hereby tendered to the Chief, Assistant, Engrossing, and Enrolling Clerks. Also, the Sergeant-at-Arms, Door-Keeper, Fireman and Pages of this House.

P. F. WILLIAMS.



HALF-PAST ONE P. M.

House met. On motion of Mr. Elwell, Mr. Smith was called to the chair.

Roll called — quorum present.

Committee on Enrollment reported that H. J. Rs. Nos. 17 and 18 were handed to the Governor for approval at 12 o'clock m. this day.

On motion of Mr. Brown, House took recess to 3½ o'clock this P. M.

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HALF-PAST THREE P. M.

House resumed. Mr. Speaker in the chair.

Roll called.

Minutes of yesterday read and approved.

The hour of 4 o'clock having arrived, the Speaker declared the House adjourned, *sine die*.

HOUSE OF REPRESENTATIVES, }  
VIRGINIA CITY, M. T., Jan. 7, 1870. }

We hereby certify, the foregoing pages from page 1 to 220 contain a true and complete Journal of the proceedings of the House of Representatives of the sixth Legislative Assembly of the territory of Montana.

J. R. BOYCE, SR.,  
*Speaker of the House of Representatives.*

G. W. ROCKFELLOW, *Chief Clerk.*



# APPENDIX.

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## ANNUAL REPORT OF THE AUDITOR OF MONTANA TERRITORY.

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AUDITOR'S OFFICE, MONTANA TERRITORY, }  
VIRGINIA CITY, December 1, 1869. }

TO THE HON. COUNCIL AND HOUSE OF REPRESENTATIVES, M. T.:—

*Gentlemen* :—I herewith submit my Second Annual Report, for the fiscal year ending Dec. 1, 1869, which I have condensed in as concise a manner as the requirements of law will admit. By reference to the abstract of the assessment returns in my former report, it will be seen that there is no material difference in the assessed valuation of the property of the territory of this and last year. On examination of the assessment returns, I am satisfied that, with a proper assessment from all of the counties, the valuation would have reached to at least ten millions of dollars, and would have made the burthen of taxation bear equally upon all, and added materially to the receipts of the treasury. By reference to the table showing the indebtedness of the territory, you will find that the funded indebtedness amounts to \$65,528.36, with all the interest accumulating thereon paid up to this date, and a balance, after paying the interest, of \$10,359.10, now in the hands of the Treasurer, to be applied on the redemption and payment of bonds on the 1st of June, 1870, as provided in the 10th section of the Funding Act, which will reduce the bonded indebtedness to \$55,169.26. That, with \$54,794.26 of warrants yet unpaid, will make the total indebtedness of the territory \$109,963.52. Under the provisions of biennial sessions, with proper economy, before the meeting of another Legislature the warrants will all be paid, and the bonded indebtedness reduced to less than \$40,000, and money in the treasury to meet a fair compensation to members and attaches for the next session.



I would further recommend that there be a fixed salary allowed to the Territorial Auditor, instead of a per centage on issues of territorial warrants, as is now the law. The reason should be obvious to the Legislature: It is to remove temptation from the officer to increase his compensation.

All of the county treasurers, except the treasurer of Meagher county, have made their annual settlements as required by law; and a balance, as shown from tabular statement, of \$7,841.56 remains uncollected, which will come into the treasury on the first of next quarter, and will be increased by taxes from additional assessments to at least \$10,000. I have the honor, gentlemen, to be your obedient servant,

W. H. RODGERS,  
*Territorial Auditor.*

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AUDITOR'S OFFICE, MONTANA TERRITORY, }  
VIRGINIA CITY, December 1, 1869. }

*To the Hons. President of the Council and House of Representatives : —*

GENTLEMEN : — I would call your attention to the fact that the present incumbent of Auditor and Treasurer's term of office will expire during the present session of the Legislature, and, before retiring, would respectfully ask that a committee, composed of members from both Houses, be appointed to examine their books, and make such settlement as their duty may require.

Respectfully,

W. H. RODGERS,  
*Territorial Auditor.*

Treas. W. G. BARKLEY, concurring.

## TERRITORIAL INDEBTEDNESS

On the first day of December, A. D. one thousand eight hundred and sixty-nine:—

|   |              |
|---|--------------|
| Bonds issued June 1, 1868 .....                 | \$ 58,850 00 |
| Bonds issued June 1, 1869 .....                 | 4,750 00     |
| Warrants issued prior to November 1, 1867 ..... | 1,928 36     |

---

|   |              |
|---|--------------|
| Funded indebtedness .....                 | \$ 65,528 36 |
| New warrants outstanding and unpaid ..... | 54,794 26    |

---

|             |              |
|-------------|--------------|
| Total ..... | \$120,322 62 |
|-------------|--------------|

## CONTRA.

|   |           |
|---|-----------|
| Balance in hands of Treasurer belonging to Sinking<br>Fund, for redemption of bonds ..... | 10,359 10 |
|---|-----------|

---

|                            |              |
|----------------------------|--------------|
| Balance indebtedness ..... | \$109,963 52 |
|----------------------------|--------------|

STATEMENT

Showing the amount of Taxes levied and charged to the respective County Treasurers for the year 1869 ; also, the amount collected and paid in of the same up to Dec. 1st, inst., with Delinquent Taxes for 1868, and Licenses collected for 1869, and the fees paid County Treasurers for the year ending Nov. 1, 1869, with balance of Delinquent Taxes due from each County Treasurer :—

| COUNTIES.             | COUNTY TREASURERS.   | Tax List.   | Collections. | Collections of Delinquents. | Licenses.   | Total from all sources. | County Treasurers' fees for Collecting. | Net amount, after deducting Treasurers' Fees. | Delinquent Taxes on Assessment of 1869. |
|-----------------------|----------------------|-------------|--------------|-----------------------------|-------------|-------------------------|---|---|---|
| Madison.....          | A. S. Potter.....    | \$ 6,515 20 | \$ 5,090 49  | \$ 2,946 39                 | \$ 3,923 60 | \$ 11,960 48            | \$ 728 42                               | \$ 11,232 06                                  | \$1,424 71                              |
| Lewis and Clarke..... | W. W. King.....      | 10,503 71   | 8,273 00     | 2,230 71                    | 9,201 60    | 20,950 24               | 1,169 35                                | 19,780 89                                     | 2,230 71                                |
| Deer Lodge.....       | Addison Smith.....   | 4,366 58    | 3,903 47     | 936 20                      | 5,662 36    | 10,502 03               | 766 05                                  | 9,735 98                                      | 463 11                                  |
| Beaver Head.....      | A. J. Urlin.....     | 1,621 96    | 796 80       | 1,135 73                    | 662 50      | 2,595 03                | 347 60                                  | 2,247 43                                      | 825 16                                  |
| Jefferson.....        | John C. Gillman..... | 1,730 24    | 735 98       | 911 28                      | 1,050 00    | 2,697 26                | 400 03                                  | 2,297 23                                      | 994 26                                  |
| Gallatin.....         | T. B. Gray.....      | 2,101 34    | 1,436 57     | 1,127 88                    | 898 80      | 3,463 25                | 424 05                                  | 3,039 20                                      | 664 77                                  |
| Meagher.....          | Wm. Parberry.....    | 1,957 67    | 1,681 75     | .....                       | .....       | .....                   | .....                                   | .....   | .....                                   |
| Missoula.....         | W. G. Edwards.....   | 2,079 17    | 1,060 38     | 677 62                      | 1,243 40    | 2,981 40                | 478 51                                  | 2,502 89                                      | 1,018 79                                |
| Chouteau .....        | Joseph S. Hill.....  | 1,400 40    | 1,180 41     | 15 80                       | 1,578 00    | 2,774 21                | 511 77                                  | 2,262 44                                      | 219 99                                  |
| Total.....            | .....                | \$32,276 27 | \$24,158 85  | \$9,981 61                  | \$24,220 26 | \$57,923 90             | \$4,825 78                              | \$52,998 12                                   | \$7,841 56                              |



| COUNTIES.             | Land—Acres in Cultivation. | Valuat'n of Land in Cultivation. | Valuation of Town Lots. | Valuation of Ditches. | Valuation of Flumes. | Valuation in Stock Companies | Valuation of Musical Instruments | No. of Wagons and Carriages. | No. of Horses. | Valuation of Horses. | No. of Mules. | Valuation of Mules. | No. of Calves. | Valuation of Cows and Calves. |
|-----------------------|----------------------------|----------------------------------|-------------------------|-----------------------|----------------------|------------------------------|----------------------------------|------------------------------|----------------|----------------------|---------------|---------------------|----------------|-------------------------------|
| Madison.....          | 44,720                     | \$406,010                        | \$ 60,020               | \$ 8,000              | \$ 8,475             | \$.....                      | \$ 325                           | \$ 548                       | 1,116          | \$ 65,795            | 210           | \$ 24,380           | 5,208          | \$151,902                     |
| Lewis and Clarke..... | 14,978½                    | 118,000                          | 792,146                 | .....                 | .....                | 8,100                        | 3,970                            | 514                          | 652            | 45,195               | 336           | 37,575              | 1,395          | 52,241                        |
| Deer Lodge.....       | 25,260                     | 42,055                           | 125,880                 | .....                 | .....                | 216,675                      | .....                            | 271                          | 1,221          | 60,325               | 151           | 12,791              | 4,908          | 176,008                       |
| Beaver Head.....      | 10,090                     | 18,515                           | 40,120                  | 28,500                | .....                | .....                        | 487                              | 143                          | 495            | 33,105               | 25            | 1,900               | 3,783          | 109,877                       |
| Jefferson.....        | 29,960                     | 46,950                           | 14,111                  | .....                 | .....                | .....                        | 77                               | 242                          | 748            | 34,826               | 179           | 17,200              | 4,115          | 112,379                       |
| Gallatin.....         | 45,544                     | 87,147                           | 16,560                  | .....                 | .....                | .....                        | .....                            | 384                          | 565            | 33,172               | 184           | 20,870              | 5,435          | 155,070                       |
| Meagher.....          | 14,210                     | 21,615                           | 24,510                  | 34,300                | 10,000               | .....                        | .....                            | 229                          | 354            | 22,370               | 191           | 29,970              | 1,340          | 45,750                        |
| Missoula.....         | 22,280                     | 83,940                           | 23,525                  | .....                 | .....                | 3,050                        | 300                              | 213                          | 1,960          | 60,955               | 128           | 9,555               | 3,100          | 113,455                       |
| Chouteau.....         | .....                      | .....                            | .....                   | .....                 | .....                | .....                        | .....                            | 125                          | 76             | 2,280                | 21            | 1,050               | 132            | 6,600                         |
| Totals.....           | 207,042½                   | \$824,232                        | \$1,096,872             | \$70,800              | \$18,475             | \$227,825                    | \$5,159                          | 2,669                        | 6,487          | \$358,023            | 1,425         | \$155,291           | 29,416         | \$923,282                     |

| COUNTIES.             | No. of Oxen. | Valuation of Oxen. | No. of Swine. | Valuation of Swine. | No. of Sheep and Goats. | Valuation of Sheep and Goats. | Capital in Manufactures. | Capital in Merchandise. | Money and Credits. | Gold and Silver Plate, and Jewelry. | Valuation of Clocks and Watches. | Household Furniture. | All other Property of every Description. | Total Assessment of each County. |
|-----------------------|--------------|--------------------|---------------|---------------------|-------------------------|-------------------------------|--------------------------|-------------------------|--------------------|-------------------------------------|----------------------------------|----------------------|--|----------------------------------|
| Madison.....          | 1,610        | \$ 87,220          | 391           | \$ 3,214            | 12                      | \$ 150                        | \$ 20,000                | .....                   | \$294,191          | \$2,500                             | \$12,685                         | \$ 3,055             | \$ 439,846                               | \$ 1,628,800                     |
| Lewis and Clarke..... | 1,225        | 61,805             | 420           | 3,454               | 364                     | 2,460                         | 6,235                    | 1,018,078               | 238,189            | .....                               | 13,027                           | 5,650                | 166,420                                  | 2,625,928                        |
| Deer Lodge.....       | .....        | .....              | 617           | 4,526               | 387                     | 1,213                         | 1,200                    | 253,689                 | 147,490            | 850                                 | 6,514                            | .....                | 22,594                                   | 1,091,646                        |
| Beaver Head.....      | 671          | 35,650             | 122           | 819                 | 62                      | 248                           | 21,075                   | 27,853                  | 57,813             | 581                                 | 2,354                            | .....                | 6,985                                    | 405,492                          |
| Jefferson.....        | 1,341        | 58,438             | 167           | 1,155               | 1,346                   | 5,058                         | 460                      | 19,996                  | 19,051             | .....                               | 1,383                            | .....                | 59,251                                   | 432,560                          |
| Gallatin.....         | 1,851        | 87,147             | 416           | 1,737               | .....                   | .....                         | .....                    | .....                   | 52,958             | .....                               | 1,200                            | .....                | 103,936                                  | 525,336                          |
| Meagher.....          | 1,014        | 54,095             | 244           | 1,279               | .....                   | .....                         | .....                    | 72,150                  | 119,200            | 360                                 | 3,091                            | .....                | 25,080                                   | 489,419                          |
| Missoula.....         | 519          | 28,265             | 1,226         | 6,508               | 102                     | 510                           | 25,400                   | 49,901                  | 55,061             | 9                                   | 1,710                            | 300                  | 22,205                                   | 519,794                          |
| Chouteau.....         | 884          | 44,200             | 25            | 500                 | .....                   | .....                         | .....                    | .....                   | .....              | .....                               | .....                            | .....                | 289,220                                  | 350,100                          |
| Totals.....           | 9,115½       | \$456,820          | 3,628         | \$23,192            | 2,273                   | \$9,639                       | \$74,370                 | \$1,441,667             | \$933,653          | \$4,300                             | \$41,964                         | \$9,005              | \$1,135,537                              | \$ 8,069,076                     |

\* Capital in merchandise included in "amount of all other property." † Jewelry included with "Clocks and Watches."

# WARRANT ACCOUNT.

| Date.          | To whom and for what paid.                          | Am't.     | Date.    | To whom and for what paid.       | Am't.    |
|----------------|---|-----------|----------|----------------------------------|----------|
| Dec. 12, 1868. | W. H. Rodgers, one q'r salary auditor.....          | \$ 175 00 | Dec. 19. | Jasper Rand, m of c.....         | \$ 84 00 |
| "              | W. G. Barkley, for one q'r salary as treasurer..... | 175 00    | "        | R. D. Alexander, m h of r....    | 84 00    |
| "              | C. C. Menaugh, chief clerk of council.....          | 66 00     | "        | R. E. Arick, ch'l cl'k h of r... | 77 00    |
| "              | W. B. Dance, m of c.....                            | 124 50    | "        | A. H. Barrett, as cl'k h of r... | 77 00    |
| "              | Alex Davis, do .....                                | 72 00     | "        | John McLaughlin, m h of r...     | 84 00    |
| "              | J. W. Corum, do .....                               | 137 00    | "        | W. F. Powers, m h of r.....      | 84 00    |
| "              | Chas. S. Bagg, do .....                             | 169 50    | "        | J. H. Hicks, do .....            | 84 00    |
| "              | W. E. Cullen, do .....                              | 137 00    | "        | Andrew Cooper, do .....          | 84 00    |
| "              | H. W. English do .....                              | 137 00    | "        | W. F. Kirkwood, as cl'k c....    | 77 00    |
| "              | A. G. P. George, do .....                           | 162 00    | "        | Sample Orr, m of c.....          | 84 00    |
| "              | H. R. Comely, m h r.....                            | 137 00    | "        | A. G. P. Gerge, do .....         | 84 00    |
| "              | Wel. Stewart, do .....                              | 149 50    | "        | C. W. Higley, m h of r.....      | 84 00    |
| "              | C. W. Higley, do .....                              | 122 00    | "        | Charles S. Bagg, m of c.....     | 84 00    |
| "              | J. W. Sweeney, do .....                             | 137 00    | "        | J. W. Corum, do .....            | 84 00    |
| "              | John W. Rhodes, do .....                            | 149 50    | "        | W. E. Cullen, do .....           | 84 00    |
| "              | W. F. Kirkwood, as cl'k c....                       | 156 00    | "        | C. C. Menaugh, ch'f cl'k h of r  | 77 00    |
| "              | J. H. Hicks, m h of r.....                          | 159 50    | "        | W. B. Dance, m of c.....         | 84 00    |
| "              | J. C. Kerley, do .....                              | 134 50    | "        | Sam Russell, do .....            | 84 00    |
| "              | A. H. Barrett, ass't cl'k h r                       | 156 00    | "        | Alex Davis, do .....             | 84 00    |
| "              | W. P. Lowery, m h r.....                            | 209 50    | "        | John Thompson, d'k'r of c...     | 49 00    |
| "              | R. D. Alexander, do .....                           | 87 00     | "        | G. B. Blakely, fireman c.....    | 84 00    |
| "              | Alex E. Mayhew, spk'r h r...                        | 134 50    | "        | J. C. Kerley, m h of r.....      | 84 00    |
| "              | T. R. Edwards, m of c.....                          | 107 00    | "        | A. W. Bryson, do .....           | 84 00    |
| "              | J. W. Ellis, m h of r.....                          | 137 00    | "        | A. H. Mitchell, m of c.....      | 84 00    |
| "              | Andrew Cooper, do.....                              | 157 00    | "        | S. R. Elwell, serg't-at-arms c   | 63 00    |
| "              | D. L. Shafer, do.....                               | 104 50    | "        | W. Stewart, m h of r.....        | 84 00    |
| "              | Joseph Rand, m of c.....                            | 210 00    | "        | Thos. E. Pounds, eng cl'k h r    | 77 00    |
| "              | R. P. Vivion, enroll'g cl'k c...                    | 96 00     | "        | L. O. Holt, doork'r h of r.....  | 49 00    |
| "              | John McLaughlin m h r.....                          | 163 00    | "        | Simeon Estes, m h of r.....      | 84 00    |
| "              | G. W. Wentworth, do .....                           | 220 00    | "        | Peter Rogan, fireman h of r...   | 84 00    |
| "              | John Thompson, d'k'r of c...                        | 79 50     | "        | G. W. Wentworth, m h of r...     | 84 00    |
| "              | S. R. Elwell, serg't-at-arms, c                     | 116 50    | "        | L. S. Wilson, m h of r.....      | 84 00    |
| "              | G. B. Blakely, fireman, c.....                      | 102 00    | "        | Henry Showers, eng cl'k c....    | 77 00    |
| "              | Henry Showers, eng cl'k c....                       | 87 00     | "        | H. R. Comely, m h of r.....      | 84 00    |
| "              | Otis Strickland, m h of r.....                      | 152 00    | "        | J. M. Sweeney, do .....          | 84 00    |
| "              | Simeon Estes do .....                               | 112 00    | "        | John W. Dailey, page h r.....    | 35 00    |
| "              | J. P. Barnes, do .....                              | 148 00    | "        | Allie Bailey, page of c.....     | 35 00    |
| "              | J. E. Pounds, eng cl'k h r....                      | 146 00    | "        | L. D. Shafer m h of r.....       | 84 00    |
| "              | John Dailey, page h of r.....                       | 97 00     | "        | H. W. English, m of c.....       | 84 00    |
| "              | R. J. Watson, do do .....                           | 30 00     | "        | Wm. Butz, enrolling clerk...     | 77 00    |
| "              | Wm. Butz, enrl'ng cl'k h of r                       | 66 00     | "        | Otis Strickland, m h of r.....   | 84 00    |
| "              | O. P. Thomas, serg't-at-a h r                       | 54 00     | "        | O. P. Thomas, serg't-at-a h r    | 63 00    |
| "              | R. E. Arick, chief cl'k h of r                      | 131 00    | "        | John W. Rhodes, m h of r....     | 84 00    |
| "              | Thomas Watson, m of c.....                          | 109 50    | "        | James Farley, page of c.....     | 35 00    |
| "              | H. H. Mitchell, do .....                            | 152 00    | "        | John Donegan, m h of r.....      | 84 00    |
| "              | Sample Orr, do .....                                | 147 00    | "        | A. E. Mayhew, do .....           | 84 00    |
| "              | Samuel Russell, do .....                            | 72 00     | "        | G. W. Stapleton, do .....        | 84 00    |
| "              | James Farley, page of c. ....                       | 30 00     | "        | T. R. Edwards, m of c.....       | 84 00    |
| "              | F. W. Powers, m h of r.....                         | 137 00    | "        | Thos. Watson, do .....           | 84 00    |
| "              | Allie Bailey, page of c.....                        | 30 00     | "        | R. P. Vivion, eng cl'k c.....    | 77 00    |
| "              | S. O. Holt, doork'r h of r.....                     | 117 00    | "        | R. J. Watson, page h of r.....   | 35 00    |
| "              | A. W. Bryson, m h of r.....                         | 76 00     | "        | R. K. Findlay, m h of r.....     | 84 00    |
| "              | R. K. Findlay, do .....                             | 82 00     | "        | W. P. Lowery, do .....           | 84 00    |
| "              | G. W. Stapleton, do .....                           | 102 00    | "        | J. P. Barnes, do .....           | 84 00    |
| "              | L. S. Wilson, do .....                              | 107 00    | "        | W. H. Rodgers, per ct on is.     | 231 75   |
| "              | Peter Rogan, fireman h of r..                       | 72 00     | Dec. 26. | R. D. Alexander, m h r.....      | 84 00    |
| "              | John Donegan, m h of r.....                         | 72 00     | "        | J. P. Barnes, do .....           | 84 00    |
| Dec. 18.       | W. H. Rodgers, for per cent on issues.....          | 363 04    | "        | A. W. Bryson, do .....           | 84 00    |
|                |   |           | "        | H. R. Comely, do .....           | 84 00    |
|                |   |           | "        | Andrew Cooper, do .....          | 84 00    |
|                |   |           | "        | John Donegan, do .....           | 84 00    |
|                |   |           | "        | J. M. Ellis, do .....            | 84 00    |



| Date.    | To whom and for what paid.                                 | Am't.    | Date.   | To whom and for what paid.         | Am't.    |
|----------|--|----------|---------|------------------------------------|----------|
| Dec. 18. | Simeon Estes, m h r.....                                   | \$ 84 00 | Jan. 2. | Allie Bailey, page of c.....       | \$ 35 00 |
| "        | R. K. Findlay, do .....                                    | 84 00    | "       | James Farley, page of c.....       | 35 00    |
| "        | J. H. Hicks, do .....                                      | 84 00    | "       | R. D. Alexander, m h of r.....     | 84 00    |
| "        | C. W. Higley, do .....                                     | 84 00    | "       | R. E. Arick, ch'f cl'k h of r....  | 77 00    |
| "        | J. C. Kerley, do .....                                     | 84 00    | "       | A. H. Barrett, asst cl'k h r.....  | 77 00    |
| "        | W. P. Lowery, do .....                                     | 84 00    | "       | J. P. Barnes, m h of r.....        | 84 00    |
| "        | J. McLaughlin, do .....                                    | 84 00    | "       | A. W. Bryson, do .....             | 84 00    |
| "        | W. F. Powers, do .....                                     | 84 00    | "       | Wm. Butz, eng cl'k h of r.....     | 77 00    |
| "        | John W. Rhodes, do .....                                   | 84 00    | "       | H. R. Comely, m h of r.....        | 84 00    |
| "        | L. D. Shafer, do .....                                     | 84 00    | "       | Andrew Cooper, do .....            | 84 00    |
| "        | G. W. Stapleton, do .....                                  | 84 00    | "       | John Donegan, do .....             | 84 00    |
| "        | W. Stewart, do .....                                       | 84 00    | "       | John N. Dailey, page h of r....    | 35 00    |
| "        | Otis Strickland, do .....                                  | 84 00    | "       | J. M. Ellis, m h of r.....         | 84 00    |
| "        | J. M. Sweeney, do .....                                    | 84 00    | "       | Simeon Estes, do .....             | 84 00    |
| "        | John P. Bruce, print'g blanks<br>for auditor's office..... | 290 00   | "       | R. K. Findlay, do .....            | 84 00    |
| "        | J. W. Wentworth, m h of r....                              | 84 00    | "       | J. H. Hicks, do .....              | 84 00    |
| "        | Alex E. Mayhew, do ...                                     | 84 00    | "       | C. W. Higley, do .....             | 84 00    |
| "        | Jasper Rand, m of c.....                                   | 84 00    | "       | L. O. Holt, doork'r h of r.....    | 49 00    |
| "        | W. F. Kirkwood, cl'k of c.....                             | 77 00    | "       | J. C. Kerley, m h of r.....        | 84 00    |
| "        | C. C. Menaugh, ch'f cl'k of c ..                           | 77 00    | "       | M. P. Lowery, do .....             | 84 00    |
| "        | A. H. Mitchell, m of c.....                                | 84 00    | "       | Jas. McLaughlin do .....           | 84 00    |
| "        | T. R. Edwards, do .....                                    | 84 00    | "       | Alex E. Mayhew, do .....           | 84 00    |
| "        | Alex Davis, do .....                                       | 84 00    | "       | W. T. Powers, do .....             | 84 00    |
| "        | S. R. Elwell, serg't-at-arms...                            | 63 00    | "       | Thos. E. Pounds, eng cl'k h r ..   | 77 00    |
| "        | G. B. Blakely, fireman.....                                | 84 00    | "       | John W. Rhodes m h of r.....       | 84 00    |
| "        | John Thompson, doorkeeper .....                            | 49 00    | "       | Peter Rogan, fireman h of r....    | 84 00    |
| "        | Henry Showers, eng cl'k.....                               | 77 00    | "       | L. D. Shafer, m h of r.....        | 84 00    |
| "        | Sample Orr, m of c.....                                    | 84 00    | "       | G. W. Stapleton, do .....          | 84 00    |
| "        | H. W. English, do .....                                    | 84 00    | "       | W. Stewart, do .....               | 84 00    |
| "        | A. H. Barrett, asst cl'k of h....                          | 77 00    | "       | Otis Strickland, do .....          | 84 00    |
| "        | D. O. Holt, doork'r of h.....                              | 49 00    | "       | J. M. Sweeney, do .....            | 84 00    |
| "        | T. E. Pounds, eng cl'k h.....                              | 77 00    | "       | O. P. Thomas, serg't-at-a h r....  | 63 00    |
| "        | R. E. Arick, chief clerk h.....                            | 77 00    | "       | G. W. Wentworth, m h of r....      | 84 00    |
| "        | Peter Rogan, fireman h.....                                | 84 00    | "       | L. L. Wilson, m h of r.....        | 84 00    |
| "        | R. P. Vivion, eng cl'k c.....                              | 77 00    | "       | R. S. Watson, page h of r.....     | 35 00    |
| "        | Samuel Russell, m of c.....                                | 84 00    | "       | W. H. Rodgers, per ct on is....    | 229 15   |
| "        | Thomas Watson, do .....                                    | 84 00    | "       | R. D. Alexander, m h of r.....     | 84 00    |
| "        | A. G. P. George, do .....                                  | 84 00    | "       | J. P. Barnes, m h of r.....        | 84 00    |
| "        | W. B. Dance, do .....                                      | 84 00    | "       | A. W. Bryson, do .....             | 84 00    |
| "        | Charles S. Bagg, do .....                                  | 84 00    | "       | H. R. Comely, do .....             | 84 00    |
| "        | John W. Corum, do .....                                    | 84 00    | "       | A. Cooper, do .....                | 84 00    |
| "        | W. E. Cullen, do .....                                     | 84 00    | "       | John Donegan, do .....             | 84 00    |
| "        | James Farley, page of c.....                               | 35 00    | "       | J. M. Ellis, do .....              | 84 00    |
| "        | Wm. Butz, eng cl'k of h.....                               | 77 00    | "       | Simeon Estes, do .....             | 84 00    |
| "        | Allie Bailey, page of c.....                               | 35 00    | "       | R. K. Findlay, do .....            | 84 00    |
| "        | John P. Dailey, page of h.....                             | 35 00    | "       | J. H. Hicks, do .....              | 84 00    |
| "        | R. J. Watson, do .....                                     | 35 00    | "       | C. W. Higley, do .....             | 84 00    |
| "        | D. S. Wilson, m of h r.....                                | 84 00    | "       | J. C. Kerley, do .....             | 84 00    |
| "        | O. P. Thomas, serg't-at-a h r ..                           | 63 00    | "       | M. P. Lowery, do .....             | 84 00    |
| Dec. 29. | J. M. Ellis, m of h r.....                                 | 84 00    | "       | J. McLaughlin do .....             | 84 00    |
| "        | W. H. Rodgers, per ct on is....                            | 243 08   | "       | W. F. Powers, do .....             | 84 00    |
| 1869.    |  |          | "       | J. W. Rhodes, do .....             | 84 00    |
| Jan. 2.  | Charles S. Bagg, m h of r.....                             | 84 00    | "       | L. D. Shafer, do .....             | 84 00    |
| "        | J. W. Corum, do .....                                      | 84 00    | "       | G. W. Stapleton, do .....          | 84 00    |
| "        | W. E. Cullen, do .....                                     | 84 00    | "       | W. Stewart, do .....               | 84 00    |
| "        | W. B. Dance, do .....                                      | 84 00    | "       | Otis Strickland, do .....          | 84 00    |
| "        | Alex Davis, do .....                                       | 84 00    | "       | J. M. Sweeney, do .....            | 84 00    |
| "        | T. R. Edwards, do .....                                    | 84 00    | "       | G. W. Wentworth, do .....          | 84 00    |
| "        | H. W. English, do .....                                    | 84 00    | "       | L. S. Wilson, do .....             | 84 00    |
| "        | A. G. P. George, do .....                                  | 84 00    | "       | A. E. Mayhew, do .....             | 84 00    |
| "        | A. H. Mitchell, do .....                                   | 84 00    | "       | R. E. Arick, ch'f cl'k h of r....  | 77 00    |
| "        | Sample Orr, do .....                                       | 84 00    | "       | A. H. Barrett, ch'f cl'k h of r .. | 77 00    |
| "        | Jasper Rand, do .....                                      | 84 00    | "       | O. P. Thomas, serg't-at-a h r....  | 63 00    |
| "        | Thomas Watson, do .....                                    | 84 00    | "       | T. E. Pounds, eng cl'k h of r ..   | 77 00    |
| "        | Sam Russell, do .....                                      | 84 00    | Jan. 9. | Wm. Butz enr cl'k h of r.....      | 77 00    |
| "        | C. C. Menaugh, chief cl'k c....                            | 77 00    | "       | L. O. Holt, doork'r h of r.....    | 49 00    |
| "        | W. F. Kirkwood, asst cl'k c....                            | 77 00    | "       | Peter Rogan, fireman h of r....    | 84 00    |
| "        | Rob P. Vivion, enr cl'k c.....                             | 77 00    | "       | R. J. Watson, page h of r.....     | 35 00    |
| "        | H. Showers, asst cl'k c.....                               | 77 00    | "       | John H. Dailey, do .....           | 35 00    |
| "        | S. R. Elwell, serg't-at-arms c ..                          | 63 00    | "       | Charles S. Bagg, m h of r.....     | 84 00    |
| "        | John Thompson, doork'r c....                               | 49 00    | "       | J. W. Corum, do .....              | 84 00    |
| "        | G. B. Blakely, fireman c.....                              | 84 00    | "       | W. E. Cullen, do .....             | 84 00    |
|          |  |          | "       | W. B. Dance, m of c.....           | 84 00    |



| Date.    | To whom and for what paid.        | Am't.    | Date.    | To whom and for what paid.      | Am't.    |
|----------|-----------------------------------|----------|----------|---------------------------------|----------|
| Jan. 9.  | Alex. Davis, m of c.....          | \$ 84 00 | Jan. 15. | T. E. Pounds, eng cl'k h r....  | \$ 66 00 |
| "        | T. R. Edwards, do .....           | 84 00    | "        | Wm. Butz, enr cl'k h of r.....  | 66 00    |
| "        | H. W. English, do .....           | 84 00    | "        | O. P. Thomas, serg't-at-a h r.  | 54 00    |
| "        | A. G. P. George, do .....         | 84 00    | "        | L. O. Holt, doork'r h of r..... | 42 00    |
| "        | A. H. Mitchell, do .....          | 84 00    | "        | Peter Rogan, fireman h of r...  | 72 00    |
| "        | Sampte Orr, do .....              | 84 00    | "        | John N. Dailey, page h r.....   | 39 00    |
| "        | Jasper Rand, do .....             | 84 00    | "        | R. J. Watson, page h r.....     | 30 00    |
| "        | Thos. Watson, do .....            | 84 00    | Jan. 16. | W. R. Kirkwood, extra serv-     |          |
| "        | Sam'l Russell, do .....           | 84 00    |          | vices clerk h of r.....         | 100 00   |
| "        | C. C. Menaugh, chief clerk of     |          | "        | Isaac Ostricher, extra do.....  | 00 00    |
| "        | council.....                      | 77 00    | "        | Joseph Robinson, extr ser do    | 12 00    |
| "        | W. F. Kirkwood, asst cl'k e...    | 77 00    | "        | E. Stark, ex ser cl'k h of r... | 12 00    |
| "        | Henry Showers, eng cl'k c.....    | 77 00    | "        | J. Murphy, ex ser do.....       | 60 00    |
| "        | R. P. Vivion, enr cl'k e.....     | 77 00    | "        | A. H. Barrett, ex ser do.....   | 100 00   |
| "        | S. R. Elwell, serg't-at-arms e    | 63 00    | "        | R. E. Arick ex ser do.....      | 100 00   |
| "        | John Thompson, doork'r of c       | 49 00    | "        | C. C. Menaugh, ex ser do.....   | 100 00   |
| "        | G. B. Blakely, fireman c.....     | 84 00    | "        | Isaac Ostricher, cl'k of com..  | 240 00   |
| "        | James Farley, page of c.....      | 35 00    | "        | James Murphy, cl'k of com...    | 240 00   |
| "        | Allie Bailey, page of c.....      | 35 00    | "        | R. E. Harslip, postmaster c...  | 200 00   |
| Jan. 11. | W. H. Rodgers, per ct on iss      | 224 25   | "        | T. F. Campbell, sup't pub in    | 145 83   |
| Jan. 12. | John How, balance on safe...      | 300 00   | "        | W. H. Rodgers per ct on issu    | 146 60   |
| "        | Davis & Thoroughman, attor-       |          | "        | Sam'l B. Green, ex cl'k c.....  | 48 00    |
| "        | neys' fees, sp'l act.....         | 550 00   | "        | Wood & Reynolds, storing        |          |
| Jan. 14. | T. B. Wade, locat'ng peniten      | 555 50   | "        | ordnance .....                  | 252 00   |
| "        | Addison Smith, appropriat-        |          | "        | Charles Curtis, taking care do  | 250 00   |
| "        | ion for costs.....                | 700 00   | "        | Rev. L. Van Gorp, stor arms..   | 150 00   |
| Jan. 15. | Charles S. Bagg, m of c.....      | 72 00    | "        | Neil Howie, dray & stov' pipe   | 150 00   |
| "        | J. W. Corum, do .....             | 72 00    | "        | R. S. Price, mov arms etc.....  | 99 00    |
| "        | W. E. Cullen, do .....            | 72 00    | "        | Wm. Burkings, pur horse         |          |
| "        | W. B. Dance, do .....             | 72 00    | "        | thieves.....                    | 733 80   |
| "        | Alex Davis, do .....              | 72 00    | Jan. 18. | W. H. Rodgers. per ct on issu   | 312 04   |
| "        | T. R. Edwards, do .....           | 72 00    | Jan. 28. | W. Y. Lovell, copy laws j r...  | 50 00    |
| "        | H. W. English, do .....           | 72 00    | "        | Jas Tufts, sal one q'r as see'y | 250 00   |
| "        | A. G. P. George, do .....         | 72 00    | Jan. 30. | A. H. Barrett, wit and ex       |          |
| "        | A. H. Mitchell, do .....          | 72 00    | "        | min'g's books.....              | 48 00    |
| "        | Sample Orr, do .....              | 72 00    | "        | James Murphy, do do.....        | 48 00    |
| "        | Jasper Rand, do .....             | 72 00    | "        | Isaac Ostriche, do do.....      | 48 00    |
| "        | Sam'l Russell, do .....           | 72 00    | "        | Thos. B. Wade, do do.....       | 48 00    |
| "        | Thos. Watson, do .....            | 72 00    | "        | A. H. Carpenter, sup't pub in   | 74 00    |
| "        | C. C. Menaugh, ch'f cl'k of c     | 66 00    | Feb. 4.  | W. M. Stafford, dist attorney   | 375 00   |
| "        | W. F. Kirkwood, asst cl'k e.      | 66 00    | Feb. 5.  | Virginia City Water Co., wat'r  |          |
| "        | Henry Showers, eng cl'k c.....    | 66 00    | "        | for aud and treas office.....   | 12 00    |
| "        | R. P. Vivion, enr cl'k e.....     | 66 00    | " 12     | Wilkinson & Ronan, pr't for     |          |
| "        | S. R. Elwell, serg't-at-arms e    | 54 00    | "        | sup't pub instruction.....      | 110 00   |
| "        | John Thompson, doork'r of c       | 42 00    | " 16.    | John P. Bruce, pr't for aud...  | 100 00   |
| "        | G. B. Blakely, fireman c.....     | 72 00    | " 20.    | W. H. Rodgers, per ct on issu   | 63 12    |
| "        | Allie Bailey, page of c.....      | 30 00    | " 25.    | W. J. Stephens, q'r sal dist    |          |
| "        | James Farley, page of c.....      | 30 00    | "        | attorney.....                   | 375 00   |
| "        | R. D. Alexander, m h r.....       | 72 00    | "        | John H. Shober, do do.....      | 375 00   |
| "        | J. P. Barnes, do .....            | 72 00    | "        | W. F. & Co., exp on blanks...   | 12 05    |
| "        | A. W. Bryson, do .....            | 72 00    | Mar. 1.  | W. H. Rodgers, per ct on issu   | 41 25    |
| "        | H. R. Comely, do .....            | 72 00    | " 4.     | Phil McGovern, sup't pris.....  | 614 00   |
| "        | Andrew Cooper, do .....           | 72 00    | "        | P. Schemals, desk sup't ins..   | 68 50    |
| "        | John Donegan, do .....            | 72 00    | "        | Jas. Gibson, p m pos stamps     | 3 00     |
| "        | J. M. Ellis, do .....             | 72 00    | " 12.    | W. H. Rodgers, q'r salary as    |          |
| "        | Simcon Estes, do .....            | 72 00    | "        | auditor.....                    | 175 00   |
| "        | R. K. Findlay, do .....           | 72 00    | "        | W. G. Barkley, do treasurer..   | 175 00   |
| "        | J. H. Hicks, do .....             | 72 00    | "        | Wilkinson & Ronan, pr'tg        |          |
| "        | C. W. Higley, do .....            | 72 00    | "        | blanks for aud office.....      | 1560 00  |
| "        | W. P. Lowery, do .....            | 72 00    | "        | W. H. Rodgers, per ct on issu   | 131 89   |
| "        | John McLaughlin, do .....         | 72 00    | " 13.    | Dr. L. Terry, med aid for ter-  |          |
| "        | W. F. Powers, do .....            | 72 00    | "        | ritorial prisoners.....         | 20 00    |
| "        | John W. Rhodes, do .....          | 72 00    | Mar. 24. | James Tufts, q'r sal as see'y   | 250 00   |
| "        | D. L. Shafer, do .....            | 72 00    | " 26.    | Wells, F. & Co., exp on bl'nks  | 3 50     |
| "        | G. W. Stapleton, do .....         | 72 00    | Apr. 3.  | do do                           | 4 25     |
| "        | Wel. Stewart, do .....            | 72 00    | " 5.     | Stephen Edmonds, taking         |          |
| "        | Otis Strickland, do .....         | 72 00    | "        | care of arms.....               | 100 00   |
| "        | J. M. Sweeney, do .....           | 72 00    | " 7.     | J. M. Sweeney, building arse-   |          |
| "        | G. W. Wentworth, do .....         | 72 00    | "        | nal at Helena.....              | 2000 00  |
| "        | L. S. Wilson, do .....            | 72 00    | " 8.     | W. H. Rodgers, per ct on issu   | 1255 46  |
| "        | Alex E. Mayhew, spk'r h r....     | 72 00    | " 17.    | T. F. Campbell, sal sup pins    | 500 00   |
| "        | R. E. Arieck, ch'f cl'k h of r... | 66 00    | " 22.    | H. L. Warren, sal dist judge    | 250 00   |
| "        | A. H. Barrett, asst cl'k h r....  | 66 00    | "        | Hiram Knowles, do .....         | 250 00   |

| Date.      | To whom and for what paid.       | Am't.     | Date.    | To whom and for what paid.    | Am't.       |
|------------|----------------------------------|-----------|----------|-------------------------------|-------------|
| May 4.     | W. M. Stafford, sal dist att'y.. | \$ 375 00 | " 23     | A. Lembrech, rent of aud and  | \$          |
| "          | W. J. Stephens, do               | 375 00    | "        | treas office.....             | 52 00       |
| "          | John H. Shober, do               | 375 00    | "        | do do                         | 198 00      |
| "          | W. H. Rodgers, per ct on issu    | 112 52    | "        | W. H. Rodgers, per ct on issu | 46 15       |
| "          | Henry A. Kennealey, bal due      |           | Oct. 11. | W. K. Roberts, support of     |             |
| "          | for legislat services.....       | 12 00     | "        | territorial prisoners.....    | 170 00      |
| "          | Wilkinson & Ronan, printing      |           | "        | do do                         | 22 00       |
| "          | blanks for aud office.....       | 116 00    | " 15     | W. W. Morris, oil and sta-    |             |
| June 3     | W. H. Rodger, q'r sal as aud     | 175 00    | "        | tionery for aud office.....   | 24 50       |
| " 13       | W. G. Barkley, do treas.....     | 175 00    | " 26     | James Smiley, ptg sign for    |             |
| " 22       | W., F. & Co., ex on blanks...    | 8 00      | "        | auditor's office.....         | 8 00        |
| July 6     | James Tufts, sal as secretary    | 266 67    | " 27     | Philip Conray, wood for aud   |             |
| " 9        | T. F. Campbell, sal sup p ins    | 500 00    | "        | and treas office.....         | 8 80        |
| "          | do expenses do                   | 60 75     | " 28     | W. H. Raymond, do.....        | 12 10       |
| "          | W. H. Rodgers, per ct on issu    | 71 30     | " 30     | W. H. Rodgers, per ct on issu | 5 30        |
| " 13       | T. F. Campbell, stationery       |           | "        | Spencer & Harrison, wood for  |             |
| "          | for office.....                  | 23 50     | "        | aud and treas office.....     | 24 72       |
| " 16       | Ste. Emons, care of arms.....    | 100 00    | "        | Griffith & Thompson, do.....  | 16 88       |
| Aug. 6     | W. J. Stephens, q'r sal dist at  | 375 00    | Nov. 2   | Wilkinson & Ronan, ptg        |             |
| "          | John H. Shober, do               | 375 00    | "        | for auditor's office.....     | 50 00       |
| "          | H. L. Hosmer, do                 | 375 00    | "        | H. L. Hosmer, sal as dist at  | 375 00      |
| "          | W. H. Rodgers, per ct on issu    | 66 00     | "        | W. H. Stephens, do            | 375 00      |
| "          | W. W. Morris, sta for aud o...   | 43 45     | "        | John H. Shober, do            | 375 00      |
| " 10       | W. K. Roberts, sup't ter pris    | 319 50    | "        | H. L. Warren, sal dist judge  | 250 00      |
| " 11       | H. L. Hosmer, p m stamps...      | 6 00      | "        | H. Knowles, do                | 250 00      |
| "          | H. L. Warren, sal dist judge     | 291 67    | "        | G. G. Symes, do               | 250 00      |
| "          | Hiram Knowles, do                | 291 67    | " 3      | Charles H. Gage, support of   |             |
| "          | G. G. Symes, do                  | 113 83    | "        | territorial prisoners.....    | 822 00      |
| " 12       | W. H. Rodgers, per ct on issu    | 56 60     | "        | W. H. Rodgers, per ct on issu | 150 00      |
| " 23       | G. G. Symes, sal as dist j'dge   | 203 91    | " 13     | H. Mondell, delivering wood   |             |
| Sept. 1    | D. W. Tilton, stationery for     |           | "        | for aud and treas office..... | 5 00        |
| "          | auditor's office.....            | 40 00     | " 15     | Phillip McGovern, support of  |             |
| "          | do do                            | 20 13     | "        | territorial prisoners.....    | 1227 00     |
| "          | R. S. Hamilton, bucket for       |           | "        | Dr. H. Mitchell, medical at-  |             |
| "          | auditor's office.....            | 3 00      | " 23     | tendance ter prisoners.....   | 415 00      |
| " 6        | W. H. Rodgers, sal as aud..      | 175 00    | "        | W. H. Rodgers, per ct on issu | 82 35       |
| " 12       | W. G. Barkley, sal as treas...   | 175 00    |          |                               |             |
| Total..... |                                  |           |          |                               | \$53,931 10 |

NOTE.—These warrants are numbered consecutively from 279 to 731.—Pr.

# ANNUAL REPORT

## OF THE

### TREASURER OF MONTANA TERRITORY.

TREASURER'S OFFICE, MONTANA TERRITORY, }  
 VIRGINIA CITY, December 1, 1869. }

TO THE HONORABLE COUNCIL AND HOUSE OF REPRESENTATIVES OF  
 MONTANA TERRITORY:—

*Gentlemen:*—In compliance with the requirements of law, I have the honor to submit the following report of the transactions of this office, for the fiscal year ending December 1st, 1869:—

#### RECEIPTS

From the various County Treasurers were as follows:—

|                         |             |                                       |             |
|-------------------------|-------------|---------------------------------------|-------------|
| From Madison.....       | \$10,432 06 | From Meagher.....                     | \$ 1,681 70 |
| “ Beaver Head.....      | 2,247 43    | “ Gallatin.....                       | 3,039 20    |
| “ Missoula.....         | 2,316 14    | “ Chouteau.....                       | 3,463 50    |
| “ Deer Lodge.....       | 9,733 38    | To Multiple Bonds.....                | 133 41      |
| “ Lewis and Clarke..... | 17,792 89   | To balance on hand Nov. 30, 1868..... | 170 97      |
| “ Jefferson.....        | 2,297 23    |                                       |             |
|                         |             |                                       | \$53,307 96 |

#### DISBURSEMENTS

Were made as follows:—

|   |             |   |             |
|---|-------------|---|-------------|
| By 25 per cent fund of \$53,136 69.....                               | \$13,284 25 | 25 per cent fund to pay interest on bonds.....                                      | \$13,284 25 |
| By amount paid for printing bonds.....                                | 100 00      | By coupon int due and paid June 1, 1869.....  | \$ 4,620 10 |
| By amount paid for advertising warrants.....                          | 38 50       | By coupon int due and paid Dec. 1, 1869.....  | 4,770 00    |
| By amount paid for fuel....   | 12 50       |   | \$ 9,390 10 |
| By am't paid for stationery and stamps.....                           | 18 00       | Balance to Sinking Fund.....  | 3,894 15    |
| By amount paid for territorial map.....                               | 8 00        | Balance to Sinking Fund as per report Nov. 30, 1868.....                            | 6,464 95    |
| By amount paid for office chair.....                                  | 6 50        |   |             |
| By 5 per cent of \$25,000, Treasurer's fees.....                      | 1,250 00    | Total amount of Sinking Fund for redemption of bonds June 1, 1870.....              | \$10,359 10 |
| By 3 per cent of \$8,136 99 Treasurer's fees.....                     | 844 10      |   |             |
| By Auditor's receipt for warrants and interest p'd and cancelled..... | 35,855 40   | Amount certificates filed for bonding under "An Act approved January 12, 1869"..... | \$ 4,616 59 |
| Balance on hand to redeem advertised warrants.....                    | 1,890 71    | Amount cash received to multiple bonds.....   | 133 41      |
|   | \$53,307 96 | Amount bonds issued June 1, 1869... \$  | 4,750 00    |
|   |             | “ “ “ “ 1, 1868... \$   | 58,850 00   |
|   |             | Total amount of bonded debt.....  | \$63,600 00 |

I am, very respectfully,  
 Your obedient servant,  
 W. G. BARKLEY,  
*Territorial Treasurer.*

ERRATA.—Page 9, left hand column, third line from top, Chas. S. Bagg and dittos members of Council; right hand column, tenth line from bottom, Phil McGovern, supporting territorial prisoners, \$615. Page 10, left hand column, ninth line from top, W. H. Rodgers, per cent on issue, \$125.46.



# INDEX.

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## APPENDIX.

|   | PAGE.    |
|---|----------|
| Report of auditor, . . . . .                  | 187, 188 |
| Statement territorial indebtedness, . . . . . | 189      |
| Statement taxes levied, &c. . . . .           | 190, 191 |
| Warrant account, . . . . .                    | 192      |

## ATTACHES OF THE HOUSE.

|   |     |
|---|-----|
| List of, . . . . .                        | 4   |
| Oath of office administered to, . . . . . | 12  |
| Vote of thanks to, . . . . .              | 184 |

## AUDITOR.

### JAMES L. FISK.

|   |    |
|---|----|
| Appointed and commissioned by governor, . . . . .             | 19 |
| Opinion of chief justice concerning appointment of, . . . . . | 49 |

### W. H. RODGERS.

|  |          |
|--|----------|
| Report of, second annual, . . . . .        | 187, 188 |
| “ “ territorial indebtedness, . . . . .    | 189      |
| “ “ statement of taxes levied, &c. . . . . | 190, 191 |
| “ “ warrant account, . . . . .             | 192      |

## BAILEY, R. O., MEMBER FOR FIRST DISTRICT.

### APPOINTED.

|  |     |
|--|-----|
| On standing committees, ways and means, public lands,<br>agriculture and manufactures, . . . . . | 50  |
| On select committee on H. B. No. 21, . . . . .   | 71  |
| “ “ “ “ H. B. No. 35, . . . . .  | 99  |
| “ “ “ “ C. B. No. 25, . . . . .  | 104 |
| “ “ “ “ H. B. No. 22, . . . . .  | 117 |
| “ “ “ “ to examine auditor's and treasurer's<br>books, . . . . .                                 | 125 |
| “ “ “ “ H. B. No. 54, . . . . .  | 147 |
| “ “ “ “ conference on C. B. No. 24, . . . . .  | 147 |

|   |   |
|---|---|
| Credentials of, reported correct, . . . . . | 8 |
|---|---|

BAILEY, R. O. — *Continued.*

PAGE.

## INTRODUCES BILLS.

|   |          |
|---|----------|
| (By consent, without notice) H. B. No. 9, | 62       |
| H. B. No. 17,                             | 67       |
| H. B. No. 40,                             | 107      |
| (By consent) H. B. No. 46,                | 133      |
| Leave of absence granted to,              | 103, 113 |

## MOTIONS BY.

|   |     |
|---|-----|
| To appoint speaker <i>pro tem.</i>          | 5   |
| To take up C. B. No. 2,                     | 71  |
| Making H. B. No. 15 special order,          | 88  |
| To refer C. B. No. 25 to special committee, | 104 |
| On H. B. No. 40, to suspend rules, &c.      | 107 |
| To take up substitute for H. B. No. 41,     | 137 |
| Nominated for speaker,                      | 11  |

## NOTICES BY.

|  |    |
|--|----|
| Of introduction of bill, "To authorize Madison county to issue bonds," &c. | 55 |
| Of introduction of bill, "An act concerning limitations,"                  | 67 |

## REPORTS.

|  |     |
|--|-----|
| As chairman committee on H. B. No. 21, | 85  |
| " " " " C. B. No. 13,                  | 91  |
| " " " " H. B. No. 46,                  | 136 |

VOTES OF. See *Votes.*

## BARRETT, A. H.

## APPOINTED.

|   |                                |
|---|--------------------------------|
| Calls House to order,   | 5                              |
| Speaker <i>pro tem.</i>   | 5                              |
| On committees, standing, judiciary and enrollment,                | 50                             |
| " " special, to wait on governor,                                 | 12                             |
| " " " " " secretary,  | 12                             |
| " " " " adopt joint rules,  | 49                             |
| " " " " procure fuel, lights, and stationery,                     | 56                             |
| " " " on H. B. No. 21,  | 71                             |
| " " " to procure chaplain for House,                              | 86                             |
| " " " on H. B. No. 35,  | 99                             |
| " " " on C. B. No. 4,   | 103                            |
| " " " on C. B. No. 12,  | 104                            |
| " " " on C. J. R. No. 4,  | 105                            |
| " " " to wait on governor,  | 112                            |
| " " " on H. B. No. 52,  | 143                            |
| " " " on H. J. R. No. 13,   | 163                            |
| " " " on H. J. R. No. 17,   | 171                            |
| Called to the chair,  | 74, 88, 93, 101, 114, 116, 122 |
| Credentials of, as member from eighth district, reported correct, | 9                              |

BARRETT, A. H. — *Continued.*

PAGE.

## INTRODUCES BILLS.

|   |     |
|---|-----|
| (By consent, without notice) H. B. No. 1, . . . . . | 55  |
| H. J. R. No. 3, . . . . .                           | 64  |
| (By consent) H. B. No. 16, . . . . .                | 66  |
| H. B. No. 20, . . . . .                             | 68  |
| H. B. No. 21, . . . . .                             | 71  |
| (By consent) H. B. No. 31, . . . . .                | 92  |
| (By consent) H. B. No. 35, . . . . .                | 99  |
| (By consent) H. B. No. 37, . . . . .                | 99  |
| H. J. R. No. 4, . . . . .                           | 105 |
| (By consent) H. B. No. 22, . . . . .                | 117 |
| H. B. No. 49, . . . . .                             | 136 |
| H. B. No. 52, . . . . .                             | 143 |
| (By consent) H. B. No. 54, . . . . .                | 151 |
| H. J. R. No. 11, . . . . .                          | 156 |
| H. J. R. No. 13, . . . . .                          | 163 |
| H. J. R. No. 14, . . . . .                          | 166 |
| H. J. R. No. 17, . . . . .                          | 171 |
| H. J. R. No. 19, . . . . .                          | 175 |

## MOTIONS BY.

|  |    |
|--|----|
| To appoint committee to request secretary to furnish stationery, . . . . .     | 13 |
| To print lists of committees, . . . . .  | 51 |
| To instruct clerk to present resolutions to secretary, . . . . .               | 52 |
| Requesting committee on printing to make contracts, . . . . .                  | 52 |
| Instructing sergeant-at-arms to procure saw-dust, . . . . .                    | 52 |
| To print auditor's and treasurer's reports, . . . . .                          | 58 |
| To discharge special committee and refer to committee on printing, . . . . .   | 59 |
| To lay on table motion to re-consider vote on H. B. No. 4, . . . . .           | 59 |
| To print House and joint rules, . . . . .                                      | 61 |
| To re-consider vote referring H. B. No. 5 to committee of the whole, . . . . . | 62 |
| To refer H. B. No. 5 to joint committee, . . . . .                             | 62 |
| On H. B. No. 2, to suspend rules, &c. . . . .                                  | 62 |
| To engross H. B. No. 1, . . . . .  | 63 |
| To refer H. B. No. 12 to finance committee, . . . . .                          | 64 |
| To receive and adopt report on C. B. No. 1, . . . . .                          | 65 |
| On C. B. No. 1, to suspend rules, &c. . . . .                                  | 65 |
| To refer C. B. No. 2 to committee on education, . . . . .                      | 66 |
| On H. B. No. 1, to suspend rules, &c. . . . .                                  | 66 |
| To refer H. B. No. 11 to committee on education, . . . . .                     | 66 |
| To reject report of committee on H. B. No. 16, . . . . .                       | 67 |
| To engross H. B. No. 16, . . . . .   | 68 |
| To adopt report of committee on governor's message, . . . . .                  | 69 |



BARRETT, A. H. — *Continued.*

PAGE.

## MOTIONS BY.

|   |    |
|---|----|
| To grant leave of absence to O. P. Thomas, door-keeper,                             | 60 |
| To indefinitely postpone H. B. No. 9,   | 71 |
| On H. B. No. 11 substitute, to suspend rules, &c.                                   | 71 |
| To postpone H. B. No. 16,   | 71 |
| To hold night sessions,   | 72 |
| To refer H. B. No. 13 to select committee,  | 72 |
| To adopt report of committee on H. B. No. 18,                                       | 74 |
| On H. B. No. 20, to suspend rules, &c.  | 75 |
| On C. B. No. 6, " " "   | 75 |
| To lay on table report of committee on H. J. R. No. 2, &c.                          | 79 |
| To adopt report of committee on credentials,  | 79 |
| To print copies of substitute for H. B. No. 15,                                     | 80 |
| To receive and adopt report of committee on H. B. No. 23,                           | 80 |
| To engross H. B. No. 23 as amended,   | 80 |
| Instructing clerk to return H. B. No. 2, with council substitute, for endorsement,  | 80 |
| To reconsider vote on C. B. No. 6,  | 80 |
| To amend H. B. No. 3,   | 81 |
| To adopt report of committee on H. B. No. 19,                                       | 82 |
| To adopt council substitute for H. J. R. No. 3,                                     | 83 |
| To not concur in council amendments to H. B. No. 4,                                 | 83 |
| To indefinitely postpone H. B. No. 4,   | 83 |
| To adopt resolution to appoint committee to procure chaplain,                       | 86 |
| To reconsider vote authorizing printing committee to furnish <i>Capital Times</i> , | 88 |
| To lay on table motion to furnish <i>Capital Times</i> ,                            | 88 |
| To refer C. B. No. 11 to committee of the whole,                                    | 89 |
| To return H. B. No. 3 to council for change in title,                               | 89 |
| To print substitute for H. B. No. 21,   | 89 |
| To adopt H. B. No. 1, with council amendments,                                      | 90 |
| To allow extra mileage to Messrs. Boswell, Scott, and Elwell,                       | 90 |
| To take up H. B. No. 21,  | 92 |
| To instruct clerk to correct H. B. No. 21,  | 92 |
| To take up C. B. No. 13,  | 93 |
| To indefinitely postpone C. B. No. 13,  | 93 |
| To receive report of committee on H. B. No. 30,                                     | 95 |
| On H. B. No. 32, to suspend rules, &c.  | 95 |
| To receive report of committee on H. B. No. 28,                                     | 95 |
| To reject C. B. No. 20,   | 97 |
| On C. R. No. 13, to suspend rules, &c.  | 98 |
| To take from committee H. Bs. Nos. 5 and 8,   | 99 |
| To indefinitely postpone H. Bs. Nos. 5 and 8,                                       | 99 |

BARRETT, A. H. — *Continued.*

PAGE.

MOTIONS BY.

|  |     |
|--|-----|
| Requesting committee on H. B. No. 34 to report, . . .  | 100 |
| To withdraw H. B. No. 34 from committee on education, . . .                                    | 100 |
| To receive and adopt report of committee on H. B. No. 35, . . .                                | 101 |
| To adopt C. B. No. 11, as amended, . . . . .   | 102 |
| On C. B. No. 11, to suspend rules, &c. . . . .   | 102 |
| To grant leave of absence to Mr. Boswell, . . . . .  | 102 |
| To concur in council amendment to H. B. No. 3, . . . .   | 103 |
| To withdraw leave of absence to Mr. Bailey, . . . . .  | 104 |
| On C. B. No. 19, to suspend rules, &c. . . . .   | 104 |
| On H. J. R. No. 4, " " . . . . .   | 106 |
| On C. B. No. 25, " " . . . . .   | 107 |
| To engross H. B. No. 34, . . . . .   | 108 |
| To refuse to recede from amendment to C. B. No. 13, . . .                                      | 108 |
| To reconsider vote on H. B. No. 4, . . . . .   | 109 |
| To amend motion to receive and adopt majority report of<br>committee on C. B. No. 4, . . . . . | 111 |
| To make C. B. No. 15 special order, . . . . .  | 111 |
| To grant leave of absence to P. E. Evans, . . . . .  | 113 |
| " " " Mr. Bailey, . . . . .  | 113 |
| To refer auditor's and treasurer's reports, . . . . .  | 113 |
| To indefinitely postpone H. B. No. 15, . . . . .   | 113 |
| To refer C. B. No. 23 to committee of the whole, . . . .                                       | 114 |
| To indefinitely postpone motion to suspend, &c. . . . .  | 115 |
| To refer H. B. No. 41 to committee on finance, . . . . .                                       | 115 |
| To lay H. R. J. No. 1, with amendments, on table, . . .  | 116 |
| To consider C. B. No. 4 in committee of the whole, . . .                                       | 116 |
| To reject C. B. No. 29, . . . . .  | 116 |
| In relation to C. B. No. 23, . . . . .   | 118 |
| To instruct chief clerk to engage assistant, . . . . .   | 119 |
| To reject resolution to entertain no more bills, . . . .                                       | 119 |
| To consider H. B. No. 27, engrossed, . . . . .   | 119 |
| To amend section 8 H. B. No. 42, . . . . .   | 119 |
| To adopt H. B. No. 40, as amended, . . . . .   | 120 |
| To take up C. B. No. 24, . . . . .   | 121 |
| To concur in council amendment to H. B. No. 39, . . . .  | 121 |
| To reconsider vote on H. B. No. 4, . . . . .   | 126 |
| To lay on table resolution in regard to the auditor's and<br>treasurer's books, . . . . .      | 127 |
| To pass C. B. No. 25 notwithstanding governor's objections, .                                  | 127 |
| To grant leave of absence to Mr. Boswell, . . . . .  | 128 |
| To indefinitely postpone C. B. No. 24, . . . . .   | 130 |
| To reconsider vote making special order for H. B. No. 41, .                                    | 131 |
| To indefinitely postpone H. B. No. 41, . . . . .   | 131 |
| To amend substitute for H. B. No. 41, . . . . .  | 131 |

BARRETT, A. H. — *Continued.*

PAGE.

## MOTION BY.

|  |     |
|--|-----|
| To reconsider vote to postpone C. B. No. 24, . . . . .                   | 132 |
| To engross H. B. No. 41, . . . . .                                       | 134 |
| To amend H. J. R. No. 8, . . . . .                                       | 137 |
| To adopt H. J. R. No. 8, as amended, . . . . .                           | 137 |
| On C. J. R. No. 2, to suspend rules, . . . . .                           | 141 |
| To defer consideration of C. B. No. 8, . . . . .                         | 143 |
| To refuse to recede from amendments to C. B. No. 24, . . . . .           | 146 |
| Asking committee of conference on C. B. No. 24, . . . . .                | 146 |
| To refer H. B. No. 54 to select committee, . . . . .                     | 147 |
| Asking council to return C. B. No. 23 for examination, . . . . .         | 147 |
| To reconsider vote to postpone C. B. No. 30, . . . . .                   | 147 |
| To indefinitely postpone H. R. J. No. 1, . . . . .                       | 148 |
| To amend H. R. J. No. 10, . . . . .                                      | 152 |
| To reconsider vote on C. B. No. 40, . . . . .                            | 156 |
| To receive and adopt report of committee on ways and means, . . . . .    | 163 |
| To recede from amendments to C. B. No. 8, . . . . .                      | 164 |
| To reconsider vote on H. J. R. . . . .                                   | 164 |
| To adopt H. J. R. No. 13, as amended, . . . . .                          | 165 |
| To reconsider vote on H. J. R. No. 7, . . . . .                          | 166 |
| To pass H. J. R. No. 7, notwithstanding governor's objections, . . . . . | 166 |
| To reconsider vote on H. B. No. 51, . . . . .                            | 170 |
| To pass H. B. No. 51, notwithstanding governor's objections, . . . . .   | 170 |
| To lay on table H. J. R. No. 15, . . . . .                               | 172 |
| To amend H. J. R. No. 15, . . . . .                                      | 172 |
| To adopt H. J. R. No. 15, as amended, . . . . .                          | 172 |
| On substitute for H. J. R. No. 17, to suspend rules, &c. . . . .         | 172 |
| To adopt majority report on H. J. R. No. 16, . . . . .                   | 173 |
| To pass H. B. No. 51, notwithstanding governor's objections, . . . . .   | 173 |
| To reconsider vote on H. B. No. 51, . . . . .                            | 176 |
| To amend H. B. No. 59, . . . . .   | 177 |
| To indefinitely postpone H. B. No. 59, . . . . .                         | 177 |
| "                    "            C. J. R. No. 3, . . . . .              | 177 |
| To adopt majority report on H. J. R. No. 16, . . . . .                   | 179 |
| To reconsider vote on H. J. R. No. 17, . . . . .                         | 182 |
| "                    "            "            " 18, . . . . .           | 182 |
| To rescind resolution to adjourn, . . . . .                              | 182 |
| Nominated speaker of House, . . . . .                                    | 11  |
| Name withdrawn, . . . . .  | 11  |



BARRETT, A. H. — *Continued.*

PAGE.

## NOTICES BY.

|   |     |
|---|-----|
| Of introduction of bill to amend the school law, . . . . .                                | 51  |
| “ “ concerning the payment of jurors, . . . . .   | 51  |
| “ “ to repeal an act to prevent officers<br>from dealing in certain securities, . . . . . | 51  |
| Of introduction of bill to amend an act in relation to costs, . . . . .                   | 67  |
| “ “ for the relief of the estate of John S.<br>Rockfellow, deceased, . . . . .            | 92  |
| Of introduction of bill to change county seat of Lewis and<br>Clarke county, . . . . .    | 117 |
| Of reconsideration of vote on C. B. No. 6, . . . . .                                      | 75  |
| “ “ “ “ “ 13, . . . . .   | 98  |
| “ “ “ “ “ 24, . . . . .   | 131 |
| “ “ “ H. J. R. No. 15, . . . . .  | 172 |
| “ “ “ H. B. No. 51, . . . . .   | 174 |

## REPORTS BY.

|  |            |
|--|------------|
| As chairman committee on enrollment, . . . . . | 86, 87, 91 |
| “ “ of the whole, . . . . .                    | 102, 116   |
| Minority committee on C. B. No. 4, . . . . .   | 111        |
| Resolutions by, . . . . .                      | 102, 130   |
| Thanks, vote of tendered to, . . . . .         | 12         |
| Vote of. See <i>Vote</i> .                     |            |

## BILLS OF THE HOUSE.

No. 1. — “An act to amend an act entitled ‘An act establishing a common school system for Montana Territory,’ approved February 7, 1865.”

|  |     |
|--|-----|
| Introduced (by consent, without notice), read first and<br>second times, and referred to committee on education, . . . . . | 56  |
| Committee on education report and recommend passage, . . . . .   | 62  |
| Motion to engross carried, . . . . .   | 63  |
| Committee on engrossment report correctly engrossed, . . . . .   | 66  |
| Rules suspended, read third time, and passed. title agreed<br>to, . . . . .  | 66  |
| Notice of passage by council as amended, . . . . .   | 88  |
| Council amendments read, motion to adopt lost, vote on<br>motion, . . . . .  | 90  |
| Council asked to recede from amendment, . . . . .  | 90  |
| Ordered enrolled, . . . . .  | 104 |
| Notice that council had receded from amendment, . . . . .  | 105 |
| Reported correctly enrolled, . . . . .   | 106 |
| “ handed governor, . . . . .   | 107 |
| “ signed by speaker, . . . . .   | 106 |

No. 2. — “An act authorizing the treasurer of Deer Lodge county in paying certain moneys.”

BILLS OF THE HOUSE — *Continued.*

|   | PAGE.  |
|---|--------|
| Introduced (by consent, without notice), read first and second times, and referred to select committee, . . . | 56     |
| Committee report, recommending its passage, . . .   | 59, 62 |
| Rules suspended, bill considered engrossed, read third time, and passed, . . . . .                            | 62     |
| Vote on, . . . . .  | 63     |
| Notice from council of council substitute passed, and bill indefinitely postponed, . . . . .                  | 73     |
| Chief clerk requested to return, with council substitute, to council for endorsement, . . . . .               | 80     |
| Notice of proper endorsement by council, . . . . .  | 93     |
| Council substitute for taken up and read first and second times, . . . . .                                    | 97     |
| Rules suspended, read third time, and passed, vote on, . . .  | 97     |
| Council substitute signed by speaker, . . . . .   | 104    |
| No. 3. — "An act relating to counties and county officers."   |        |
| Committee on towns and counties report, recommending passage, . . . . .                                       | 64     |
| Committee on engrossment report correctly engrossed, . . .  | 72     |
| Taken up, amended, read third time, passed, vote on passage, . . . . .  | 81     |
| Notice by council of reference back for perfecting title, . . .   | 88     |
| Chief clerk directed to return to council for change required in title, . . . . .                             | 89     |
| As amended by council, concurred in, ordered enrolled, . . .  | 103    |
| Notice of passage of by council, with title amended, . . .  | 105    |
| Reported correctly enrolled, . . . . .  | 106    |
| "    handed governor, . . . . .   | 107    |
| "    signed by speaker, . . . . .   | 106    |
| No. 4. — "An act to repeal an act to provide extra compensation for the territorial secretary."               |        |
| Introduced (by consent, without notice), . . . . .  | 59     |
| Read first and second times, rules suspended, considered engrossed, read third time, and passed, . . . . .    | 59     |
| Motion to reconsider vote on passage laid on table, . . .   | 59     |
| Notice of passage of by council, with amendments, . . .   | 81     |
| Title amended and agreed to, . . . . .  | 81     |
| As amended by council, taken up and read, . . . . .   | 83     |
| Motion not to concur carried, . . . . .   | 83     |
| Chief clerk instructed to inform council, and beg to recede, . . . . .  | 83     |
| Report judiciary committee on, adopted, . . . . .   | 83     |
| Action on, indefinitely postponed, . . . . .  | 83     |
| Notice by council that they have receded from amendment, . . . . .  | 88     |

BILLS OF THE HOUSE — *Continued.*

|  | PAGE. |
|--|-------|
| Reported correctly enrolled, . . . . .   | 90    |
| "    handed to governor, . . . . .   | 91    |
| Returned by governor, with objections, . . . . .   | 108   |
| Reconsideration of vote on made special order, . . . . .   | 109   |
| Action on governor's veto deferred, . . . . .  | 112   |
| Report of committee on governor's veto, . . . . .  | 116   |
| Vote by which it was passed reconsidered, lost, vote on, . . . . .   | 125   |
| "    "    "    lost    "    vote on, . . . . .   | 126   |
| Passed over governor's veto, vote on, . . . . .  | 126   |
| Notice of passage of by council over veto, . . . . .   | 132   |
| No. 5. — "An act to amend the revenue law."  |       |
| Vote to refer to committee of whole reconsidered, . . . . .  | 62    |
| Referred to joint committee, . . . . .   | 62    |
| Taken from committee and indefinitely postponed, . . . . .   | 99    |
| Notice of passage by council, with amendments, . . . . .   | 140   |
| No. 6. — "An act supplemental to an act entitled 'An act to provide for the funding of the debt of Montana,' approved December 3, 1867." |       |
| Committee on finance report, recommending passage, . . . . .   | 64    |
| Ordered to be engrossed, . . . . .   | 66    |
| Committee on engrossment report correctly engrossed, . . . . .   | 71    |
| Read third time and passed, title agreed to, . . . . .   | 71    |
| Notice that council had reconsidered vote to indefinitely postpone, . . . . .  | 140   |
| Council amendments to concurred in, . . . . .  | 145   |
| Notice of passage of, with amendments by council, . . . . .  | 146   |
| Reported correctly enrolled and signed by speaker, . . . . .   | 148   |
| "    handed governor, . . . . .  | 150   |
| No. 7. — "An act regulating auditor's salary."   |       |
| Committee on finance report, recommending passage, . . . . .   | 64    |
| Ordered to be engrossed, . . . . .   | 66    |
| Committee on engrossment report correctly engrossed, . . . . .   | 71    |
| Rules suspended, read third time, passed, title agreed to, . . . . .   | 71    |
| Notice of passage of substitute for by council, . . . . .  | 140   |
| Council substitute adopted, ordered enrolled, . . . . .  | 141   |
| Reported correctly enrolled, signed by speaker, and handed governor, . . . . .   | 144   |
| No. 8. — "An act to repeal section 12 of an act concerning licenses, approved January 15, 1869."   |       |
| Introduced (by consent, without notice), read first and second times, and referred to committee on revenue, . . . . .                    | 62    |
| Committee on revenue ask further time, granted, . . . . .  | 66    |
| Taken from committee and indefinitely postponed, . . . . .   | 99    |
| No. 9. — "An act fixing the time of the meeting of the legislative assembly of the territory of Monta."                                  |       |



BILLS OF THE HOUSE — *Continued.*

PAGE.

|   |     |
|---|-----|
| Introduced (by consent, without notice), read first and second times, and referred to committee on elections,   | 62  |
| Committee on elections report, recommending it do not pass, adopted,  | 71  |
| Taken up and indefinitely postponed,  | 71  |
| No. 10.—“An act to repeal an act to incorporate the Prickly Pear and Virginia City Wagon Road Company.”   |     |
| Introduced (by consent, without notice), read first and times, and referred to committee on incorporations,   | 62  |
| Committee on incorporations report, recommending indefinite postponement of, adopted,   | 66  |
| No. 11.—“An act to repeal an act creating the office of territorial superintendent.”  |     |
| Introduced (by consent, without notice), read first and second times, and referred to committee of the whole,   | 62  |
| Considered by committee of the whole,   | 64  |
| Committee of the whole report, with amendments, and recommend passage,  | 66  |
| Referred to committee on education,   | 66  |
| Committee on education report substitute, adopted,  | 70  |
| Substitute read first and second times, and ordered engrossed,  | 71  |
| No. 12.—“An act to amend an act entitled ‘An act to provide increased compensation to officers in this territory.’”                                       |     |
| Introduced by consent, read first and second times,   | 64  |
| Motion to suspend rules, read third time, and pass, lost, vote on motion,   | 64  |
| Referred to committee on finance,   | 64  |
| No. 13.—“An act to amend an act relating to the discovery of gold and silver quartz lodes, and the manner of their location, approved December 26, 1869.” |     |
| Introduced, read first and second times, and referred to committee on mines and minerals,   | 65  |
| Committee on mines and minerals report, without recommendation,   | 72  |
| Referred to select committee,   | 72  |
| Select committee on excused and another appointed,  | 74  |
| Reported back, with amendments, report adopted,   | 80  |
| Ordered engrossed,  | 81  |
| Reported correctly engrossed,   | 85  |
| Read third time and passed, vote on,  | 86  |
| Notice of passage of by council, with amendments,   | 126 |
| Reported correctly enrolled, signed by speaker, and handed governor,  | 136 |

BILLS OF THE HOUSE — *Continued.*

|  | PAGE. |
|--|-------|
| No. 14.—“An act to further define the duties of district attorneys.”   |       |
| Introduced by consent, read first and second times, and referred to committee on judiciary, . . . . .                              | 65    |
| Committee on judiciary report, recommending it do not pass, adopted, . . . . .   | 67    |
| No. 15.—“An act in relation to the offices of territorial auditor and treasurer.”  |       |
| Introduced by consent, read first and second times, and referred to committee on territorial affairs, . . . . .                    | 65    |
| Report of committee on territorial affairs, with amendments and recommending passage, adopted, . . . . .                           | 67    |
| Taken from engrossment committee and recommitted to special committee, . . . . .   | 74    |
| Reported back with substitute, report adopted, . . . . .   | 79    |
| Ordered printed, . . . . .   | 80    |
| Reported correctly printed, . . . . .  | 85    |
| Considered in committee of the whole, report on, rules suspended, and read third time, . . . . .                                   | 87    |
| Motiod to lay substitute for on table, lost, . . . . .   | 88    |
| Action on, postponed, . . . . .  | 93    |
| With substitute, indefinitely postponed, . . . . .   | 113   |
| No. 16.—“An act to repeal certain acts.”   |       |
| Introduced by consent, read first and second times, and referred to committee on incorporations, . . . . .                         | 66    |
| Report of committee on incorporations, that it do not pass, rejected, . . . . .  | 67    |
| Committee on engrossment report correctly engrossed, . . . . .   | 71    |
| Taken up, action on postponed, . . . . .   | 71    |
| Considered in committee of the whole, . . . . .  | 74    |
| Committee of the whole report, recommending passage, adopted, . . . . .  | 76    |
| Read third time and passed, vote on, title amended, . . . . .  | 76    |
| Notice of passage by council with amendments, . . . . .  | 126   |
| Council amendments concurred in, . . . . .   | 134   |
| Reported correctly enrolled, signed by speaker, and handed governor, . . . . .   | 142   |
| No. 17.—“An act to authorize the county commissioners of Madison county to subscribe and take stock in the Capital Ditch Company.” |       |
| Introduced, read first and second times, referred to special committee, . . . . .  | 67    |
| Report of committee, with amendments, adopted and ordered engrossed, . . . . .   | 84    |
| Reported correctly engrossed, . . . . .  | 94    |
| Read third time and passed, vote on, . . . . .   | 94    |

BILLS OF THE HOUSE — *Continued.*

|  | PAGE. |
|--|-------|
| Notice of passage of by council, . . . . .   | 105   |
| Reported correctly enrolled, signed by speaker, and handed governor, . . . . .   | 110   |
| No. 18.—“An act to repeal an act entitled ‘An act to protect and regulate the irrigation of lands in Montana territory,’ approved January 12, 1865, and to make provision for the construction of ditches and the irrigation of agricultural lands.” |       |
| Introduced, read first and second times, and referred to committee on agriculture and manufactures, . . . . .  | 68    |
| Committee on agriculture report, with amendments, and recommend passage, . . . . .   | 74    |
| Report adopted and bill ordered engrossed, . . . . .   | 74    |
| Taken up, read for information, read third time, passed, vote on, . . . . .  | 87    |
| Notice of passage by the council, . . . . .  | 120   |
| Reported correctly enrolled, . . . . .   | 127   |
| Notice of signing of by speaker, . . . . .   | 128   |
| Reported handed governor, . . . . .  | 132   |
| No. 19.—“An act relating to the killing of game in the territory of Montana.”  |       |
| Introduced, read first and second times, and referred to special committee, . . . . .  | 68    |
| Reported back with substitute, substitute adopted and section 1 amended, . . . . .   | 82    |
| Read for information, motion to amend tabled, read third time and passed, vote on, . . . . .   | 93    |
| Reported correctly engrossed, . . . . .  | 94    |
| Notice of passage by the council, . . . . .  | 120   |
| Reported correctly enrolled, . . . . .   | 127   |
| Notice of signing of by speaker, . . . . .   | 128   |
| Reported handed governor, . . . . .  | 132   |
| No. 20.—“An act to amend an act entitled ‘An act in relation to costs,’ ” approved January 15, 1869.   |       |
| Introduced, read first and second times, and referred to committee on judiciary, . . . . .   | 68    |
| Committee on judiciary report, recommending passage, adopted, . . . . .  | 75    |
| Rules suspended, considered engrossed, read third time passed, vote on, . . . . .  | 75    |
| Committee on engrossment report correctly engrossed, . . . . .   | 83    |
| Notice of passage by council, . . . . .  | 93    |
| Reported correctly enrolled and signed by speaker, . . . . .   | 96    |
| Reported handed governor, . . . . .  | 97    |



BILLS OF THE HOUSE — *Continued.*

|   | PAGE.  |
|---|--------|
| No. 21.—“An act concerning the payment of jurors.”  |        |
| Introduced, read first and second times, and referred to special committee, . . . . .                                     | 71     |
| Committee report, with substitute, recommending adoption, . . . . .   | 85     |
| Substitute taken up and read, forty copies ordered printed, . . . . .   | 89     |
| Report of printing committee on, . . . . .  | 91     |
| Read for information, clerk instructed to correct, . . . . .  | 92     |
| Read third time and passed, vote on, . . . . .  | 92, 93 |
| Notice of passage of by council, . . . . .  | 105    |
| Notice of signing of by speaker, . . . . .  | 128    |
| No. 22.—“An act to amend the lien law.”   |        |
| Introduced read first and second times, and referred to committee on territorial affairs, . . . . .                       | 71     |
| Indefinitely postponed, . . . . .   | 182    |
| No. 23.—“An act legalizing certain acts of the county treasurer of Gallatin county in the payment of certain moneys.”     |        |
| Introduced, motion to reject lost, vote on motion, . . . . .  | 73     |
| Referred to select committee, . . . . .   | 73     |
| Reported back with amendments and recommendation to pass, report received, . . . . .                                      | 80     |
| Amendments adopted, ordered engrossed, . . . . .  | 80     |
| Committee on engrossment report correctly engrossed, . . . . .  | 83     |
| Report of committee on, recommending passage, adopted, . . . . .  | 83     |
| Read third time and passed, vote on, . . . . .  | 83     |
| Notice of passage of by council, . . . . .  | 105    |
| Reported correctly enrolled and signed by speaker, . . . . .  | 106    |
| Reported handed governor, . . . . .   | 107    |
| No. 24.—“An act to repeal section 4 of an act to promote the agricultural, mechanical, and mineral interests of Montana.” |        |
| Introduced, read first and second times, and referred to committee on agriculture, . . . . .                              | 73     |
| Committee on agriculture report, recommending passage, . . . . .  | 74     |
| Rules suspended, read third time and passed, vote on, title agreed to, . . . . .  | 74, 75 |
| Committee on engrossment report correctly engrossed, . . . . .  | 83     |
| Notice of passage of by council, . . . . .  | 105    |
| Reported correctly enrolled and signed by speaker, . . . . .  | 106    |
| Reported signed by governor, . . . . .  | 107    |
| No. 25.—“An act to repeal an act entitled ‘An act to incorporate the Madison County Ditch Company.’”                      |        |
| Introduced, read first and second times, and referred to committee on incorporations, . . . . .                           | 80     |
| Report of committee on, recommending passage, adopted, . . . . .  | 84     |

BILLS OF THE HOUSE — *Continued.*

PAGE.

|   |     |
|---|-----|
| Rules suspended, considered engrossed, read third time and passed, vote on, . . . . .   | 84  |
| Committee on engrossment recommend to retain the original bill, . . . . .   | 94  |
| Notice of passage of by council, . . . . .  | 105 |
| Reported correctly enrolled and signed by speaker, . . . . .  | 106 |
| Reported handed governor, . . . . .   | 107 |
| No. 26.—“An act to amend an act relating to counties and county officers”   |     |
| Introduced, read first and second times, and referred to committee on towns and counties, . . . . .                                     | 82  |
| Committee on towns and counties report, with substitute, and recommend passage, . . . . .   | 85  |
| Read for information and referred for correction, . . . . .   | 93  |
| Reported correctly engrossed, . . . . .   | 94  |
| Read third time and passed, vote on, . . . . .  | 94  |
| Notice of amendments to by council, . . . . .   | 126 |
| Council amendments concurred in, . . . . .  | 131 |
| Reported correctly enrolled, signed by speaker, and handed governor, . . . . .  | 136 |
| No. 27.—“An act relating to streets and alleys.”  |     |
| Introduced, read first and second times, and referred to committee on towns and counties, . . . . .                                     | 85  |
| Report, recommending passage, adopted, . . . . .  | 119 |
| Considered engrossed for third reading, . . . . .   | 119 |
| Read third time and passed, vote on, . . . . .  | 122 |
| Notice by council of loss, . . . . .  | 143 |
| No. 28.—“An act concerning nuisances.”  |     |
| Introduced, read first and second times, and referred to special committee, . . . . .   | 91  |
| Report of committee, recommending passage, received, rules suspended, read third time, considered engrossed, passed, vote on, . . . . . | 95  |
| Notice that it was lost in council, . . . . .   | 120 |
| Notice of indefinite postponement by council, . . . . .   | 140 |
| No. 29.—“An act relating to the discovery and possessory right in all placer mines.”  |     |
| Introduced, read first and second times, rules suspended, considered engrossed, read third time and passed, vote on, . . . . .          | 92  |
| Reported correctly engrossed, . . . . .   | 95  |
| Notice that it was lost by council, . . . . .   | 132 |
| Chief clerk directed to ask of council where and when lost, . . . . .   | 134 |

BILLS OF THE HOUSE — *Continued.*

PAGE.

## No. 30.—“An act to prohibit reckless driving.”

|  |     |
|--|-----|
| Read first and second times, and referred to select committee, . . . . . | 92  |
| Report of committee, recommending passage, adopted, . . . . .            | 95  |
| Reported correctly engrossed, . . . . .                                  | 117 |
| Notice that it was lost by council, . . . . .                            | 126 |

## No. 31.—“An act to repeal an act entitled ‘An act for the better observance of the Lord’s Day,’” approved December 10, 1867.

|  |     |
|--|-----|
| Introduced, read first time for information, . . . . .             | 92  |
| Motion to lay on table carried, . . . . .                          | 92  |
| Committee on report with substitute, made special order, . . . . . | 128 |

## No. 32.—“An act to amend an act entitled ‘An act relative to elections,’” approved January 17, 1865.

|  |     |
|--|-----|
| Introduced by consent, motion to suspend rules lost, . . . . .                                     | 95  |
| Read first and second times, and referred to committee of the whole, with special order, . . . . . | 95  |
| Considered in committee of the whole, . . . . .  | 101 |
| Committee of the whole report, recommending passage, adopted, . . . . .                            | 102 |
| Reported correctly engrossed, . . . . .  | 113 |
| Read third time and passed, vote on, . . . . .   | 114 |
| Notice of amendments by council, . . . . .   | 140 |
| Amendments concurred in, ordered enrolled, . . . . .   | 141 |
| Notice of signing by speaker, . . . . .  | 146 |

## No. 33.—“An act to amend an act entitled ‘An act to amend an act to establish a common school system for the territory of Montana,’” approved February 7, 1869.

|   |          |
|---|----------|
| Introduced by consent, read first and second times, and referred to committee on education, . . . . . | 96       |
| Report recommending its passage, . . . . .  | 101      |
| Read third time and passed, vote on, . . . . .  | 110, 112 |
| Reported correctly engrossed, . . . . .   | 118      |

## No. 34.—“An act concerning mines and minerals.”

|  |     |
|--|-----|
| Introduced by consent, read first and second times, and referred to committee on mines and minerals, . . . . . | 96  |
| Committee on requested to report immediately, . . . . .  | 100 |
| Committee report without recommendation, . . . . .   | 100 |
| Motion to withdraw from committee on education carried, . . . . .  | 100 |
| Laid on table, vote on, . . . . .  | 100 |
| Taken from table and indefinitely postponed, . . . . .   | 107 |
| Taken up and ordered engrossed, . . . . .  | 108 |
| Reported back by judiciary committee, with recommendation to pass, . . . . .                                   | 120 |



BILLS OF THE HOUSE — *Continued.*

PAGE.

- No. 35.—“An act to amend an act regulating the fees of officers, jurors, and witnesses,” approved February 9, 1865.”
- |  |     |
|--|-----|
| Introduced by consent, read first and second times, . . . . .                  | 99  |
| Motion to indefinitely postpone lost, . . . . .                                | 99  |
| Referred to select committee, . . . . .  | 99  |
| Reported back with recommendation to pass, report adopted, . . . . .           | 101 |
| Ordered engrossed, . . . . .   | 112 |
| Reported correctly engrossed, . . . . .  | 117 |
| Read third time and passed, vote on, . . . . .                                 | 122 |
| Notice of passage of by council, . . . . .                                     | 132 |
| Reported correctly enrolled, signed by speaker, and handed governor, . . . . . | 136 |
- No. 36.—“An act amendatory of an act entitled ‘An act relating to counties and county officers,’” approved February 9, 1865.
- |  |     |
|--|-----|
| Introduced by consent and referred to special committee, . . . . .   | 99  |
| Reported back with recommendation to pass, report received, . . . . .  | 101 |
| Read for information, rules suspended, read third time and passed, vote on, . . . . .                        | 101 |
| Notice of substitute passed by council, . . . . .  | 180 |
| Council substitute read first and second times, rules suspended, read third time, passed, vote on, . . . . . | 180 |
| Reported correctly enrolled, signed by speaker, and handed governor, . . . . .                               | 182 |
- No. 37.—“An act to authorize the territorial treasurer to issue bonds of the territory for balance of funded indebtedness of the territory of Montana.”
- |   |     |
|---|-----|
| Introduced, . . . . .   | 99  |
| Committee on finance report with amendments, . . . . .                    | 106 |
| Taken up, rules suspended, read third time and passed, vote on, . . . . . | 106 |
| Reported correctly engrossed, . . . . .                                   | 110 |
| Notice of passage of by the council, . . . . .                            | 120 |
| Reported correctly enrolled, . . . . .                                    | 127 |
| Reported handed governor, . . . . .                                       | 132 |
- No. 38.—“Relative to schools.”
- |  |     |
|--|-----|
| Motion to lay on table, lost; to indefinitely postpone, carried, . . . . . | 101 |
|--|-----|
- No. 39.—“An act to amend an act amendatory of an act entitled ‘An act relating to counties and county officers,’” approved January 11, 1869.
- |  |     |
|--|-----|
| Introduced by consent, read first and second times, rules suspended, . . . . . | 105 |
| Read third time and passed, vote on, . . . . .                                 | 105 |

BILLS OF THE HOUSE — *Continued.*

|  | PAGE. |
|--|-------|
| Notice of amendments by council, . . . . .   | 120   |
| Amendments read and concurred in, . . . . .  | 121   |
| Reported correctly enrolled, . . . . .   | 127   |
| Notice of signing of by speaker, . . . . .   | 128   |
| Reported handed governor, . . . . .  | 132   |
| Ny. 40.—“An act to amend an act entitled ‘An act concerning limitations,’” approved February 9, 1865.                |       |
| Introduced, read first and second times, . . . . .   | 107   |
| Rules suspended, read third time and passed, vote on, . . . . .  | 107   |
| Motion to adopt as amended carried, ordered engrossed, . . . . .   | 120   |
| Notice of passage of substitute for by council, . . . . .  | 140   |
| Council substitute concurred in, . . . . .   | 142   |
| Reported correctly engrossed and signed by speaker, . . . . .  | 146   |
| Reported correctly enrolled, . . . . .   | 148   |
| Reported handed governor, . . . . .  | 150   |
| Council request House to ask governor to return for correction, . . . . .  | 154   |
| No. 41.—“An act to repeal and amend certain acts or parts of acts, granting extra compensation to certain officers.” |       |
| Introduced and read first and second times, laid on table, and referred to finance committee, . . . . .              | 115   |
| Reconsideration of vote to make special order of, lost, . . . . .  | 130   |
| “ “ “ “ “ “ “ “ carried, . . . . .   | 131   |
| Motion to indefinitely postpone laid on table, . . . . .   | 131   |
| Substitute for amendments offered to, lost, . . . . .  | 131   |
| Substitute ordered engrossed, . . . . .  | 134   |
| Reported correctly engrossed, read third time and passed, vote on, . . . . .   | 137   |
| No. 42.—“An act in relation to the recorders of Madison and Beaver Head counties, Montana territory.”                |       |
| Introduced by consent, read first and second times, and referred to select committee, . . . . .                      | 117   |
| Report of committee, recommending passage, adopted, . . . . .  | 119   |
| Read for information, amendments offered, . . . . .  | 120   |
| Rules suspended, read third time, passed, vote on, . . . . .   | 123   |
| Reported correctly engrossed, . . . . .  | 127   |
| Amended, as amended, indefinitely postponed, . . . . .   | 135   |
| No. 43.—“An act in relation to costs.”   |       |
| Introduced by consent, read first and second times, and referred to judiciary committee, . . . . .                   | 118   |
| Notice of rejection of by council, . . . . .   | 132   |
| No. 44.—“An act to secure persons and animals from danger, arising from mining and other excavations.”               |       |
| Introduced by consent, read first and second times, and rejected, . . . . .  | 118   |

BILLS OF THE HOUSE — *Continued.*

PAGE.

- No. 45.—“An act regulating the taxation of quartz mills.”  
 Introduced by consent and referred to committee ways and means, . . . . . 119  
 Reported back without recommendation, indefinitely postponed, . . . . . 125
- No. 46.—“An act to provide for the transcription, correction, and revision of the district court records of the first judicial district in and for the county of Madison.”  
 Introduced by consent, read first and second times, rules suspended, read third time, . . . . . 133  
 Amendment offered to, by consent, . . . . . 133  
 Referred to select committee of Madison county members, . . . . . 133  
 Report of adopted, indefinitely postponed, . . . . . 136
- No. 47.—“An act to repeal sections 3 and 10 of an act relating to the discovery and possessory right of all placer mines.”  
 Introduced, read first and second times, rules suspended, read third time, passed, vote on, . . . . . 135  
 Notice of amendments to by council, . . . . . 140  
 Council amendments concurred in and ordered enrolled, . . . . . 141  
 Reported correctly enrolled, signed by speaker, . . . . . 142  
 “handed governor, . . . . . 143
- No. 48.—“An act to authorize district attorneys of this territory to appoint deputies.”  
 Introduced, read first and second times, rules suspended, read third time, passed, vote on, . . . . . 136
- No. 49.—“An act to re-locate the county seat of Lewis and Clarke county.”  
 Introduced, read first and second times, rejected, . . . . . 136
- No. 50.—“An act to repeal an act entitled ‘An act to prevent the sale of intoxicating liquors to soldiers.’”  
 Introduced, read first and second times, and referred to select committee, . . . . . 137  
 Report, recommending passage, received, . . . . . 139  
 Amendment offered, rejected, and bill postponed, . . . . . 139
- No. 51.—“An act to repeal an act creating the office of territorial superintendent of public instruction, enacted by the first legislative assembly of the territory of Montana.”  
 Introduced by consent, read first time, motion to reject, lost, . . . . . 138  
 Referred to committee on education, . . . . . 139  
 Report, with recommendation of passage, adopted, . . . . . 140  
 Motion to indefinitely postpone, lost, . . . . . 140  
 Rules suspended, read third time, passed, vote on, . . . . . 140  
 Notice of passage of by council, . . . . . 146



BILLS OF THE HOUSE — *Continued.*

|   | PAGE. |
|---|-------|
| Reported correctly enrolled and signed by speaker, . . . . .  | 148   |
| “ handed governor, . . . . .  | 150   |
| Returned by governor, with objections, . . . . .  | 167   |
| Motion to reconsider vote on carried, . . . . .   | 170   |
| Motion to pass, notwithstanding governor's objections, vote on, . . . . .   | 174   |
| Bill declared lost, . . . . .   | 174   |
| No. 52.—“An act to amend an act entitled ‘An act relative to the pre-empting of town sites upon public lands, and the disposal of trusts created thereby,’ approved November 12, 1867.” |       |
| Introduced, read first and second times, and referred to select committee, . . . . .  | 143   |
| Report, with amendments, adopted, . . . . .   | 155   |
| As amended, read third time, passed, vote on, . . . . .   | 155   |
| Reported correctly engrossed, . . . . .   | 155   |
| Notice of passage of by council, . . . . .  | 164   |
| Reported correctly enrolled, signed by speaker, . . . . .   | 167   |
| Reported handed governor, . . . . .   | 171   |
| No. 53.—“An act to authorize the auditor of Montana territory to perform certain duties.”   |       |
| Introduced by consent, read first and second times, rules suspended, read third time, passed, vote on, . . . . .  | 145   |
| Reported correctly engrossed, . . . . .   | 146   |
| Notice of passage of by council, . . . . .  | 154   |
| Reported correctly enrolled and signed by speaker, . . . . .  | 156   |
| “ handed governor, . . . . .  | 158   |
| No. 54.—“An act to amend an act entitled ‘An act to locate the seat of government in and for the territory of Montana,’ passed January 24, 1865.”                                       |       |
| Introduced, read first time, . . . . .  | 146   |
| Motion to reject lost, . . . . .  | 147   |
| Read second time and referred to committee of one from each delegation, . . . . .   | 147   |
| Taken from committee and indefinitely postponed, vote on, . . . . .   | 149   |
| Motion to reconsider vote to postpone laid on table, . . . . .  | 149   |
| No. 55.—“An act to amend an act entitled ‘An act concerning licenses,’ approved January 15, 1869.”  |       |
| Introduced by consent, without notice, read first and second times, rules suspended, read third time, passed, vote on, . . . . .  | 151   |
| Notice of passage by council, . . . . .   | 154   |
| Reported correctly enrolled and signed by speaker, . . . . .  | 156   |
| “ handed governor, . . . . .  | 158   |

BILLS OF THE HOUSE — *Continued.*

PAGE.

No. 56.—“An act to organize a bureau of immigration for Montana territory.”

Introduced, read first and second times, and rejected, vote on, . . . . . 151, 152

Notice given of reconsideration of vote on, . . . . . 152

No. 57.—“An act defining the qualifications of jurors and county township officers in Montana territory.”

Introduced, read first time, and rejected, . . . . . 153

No. 58.—“An act for the disposition of the proceeds of the sale of lots in the town of Bozeman, Montana territory.”

Introduced, read first and second times, and referred to select committee, . . . . . 163

Report, recommending passage, laid on table, . . . . . 167

Bill laid on table, vote on, . . . . . 167

No. 59.—“An act amendatory and supplementary to an act entitled ‘An act to define the duties of territorial superintendent of public instruction,’ approved January 15, 1869.”

Introduced, read first and second times, and referred to select committee, . . . . . 174

Report, with amendments, adopted, . . . . . 177

Amendments offered and carried, . . . . . 177

Bill, with amendments, indefinitely postponed, . . . . . 177

## HOUSE JOINT RESOLUTIONS.

No. 1.—Notice by council that it had been tabled, . . . . . 63  
 “ “ “ “ “ “ “ “ passed, . . . . . 114

With council amendments, laid on table for further action, 116

Indefinitely postponed, . . . . . 148

No. 2.—To appoint joint committee to wait on secretary and ascertain amount of appropriations made and amount expended, &c.

Introduced and adopted, . . . . . 61

Notice of adoption of by council, . . . . . 64

Joint committee appointed by, report, . . . . . 76, 78

No. 3.—Introduced, read first and second times, rules suspended, read third time, and passed, . . . . . 64

Notice of passage of substitute for by council, . . . . . 83

Council substitute for, read and adopted, . . . . . 83

Reported correctly enrolled, . . . . . 86

Reported handed to governor, . . . . . 87

No. 4.—For the appropriation of money for the benefit of the estate of J. S. Rockfellow.

Introduced, read first and second times, and referred to special committee, . . . . . 105

Report of committee, recommending passage, adopted, 106

BILLS OF THE HOUSE — *Continued.*

PAGE.

## HOUSE JOINT RESOLUTIONS.

|  |          |
|--|----------|
| Rules suspended, read third time, passed, vote on, . . . . .   | 106      |
| Notice of passage of by council, . . . . .   | 154      |
| Reported correctly enrolled and signed by speaker, . . . . .   | 156      |
| Reported handed governor, . . . . .  | 158      |
| No. 5.— “A bill to authorize the territorial auditor to issue a warrant to Messrs. Lichel & Mahan for fifty dollars.”  |          |
| Introduced, read first and second times, rules suspended, read third time, passed, vote on, . . . . .  | 117      |
| Council amendments concurred in, ordered enrolled, . . . . .   | 141      |
| Reported correctly enrolled and signed by speaker, . . . . .   | 142      |
| Reported handed governor, . . . . .  | 143      |
| No. 7.— Authorizing county commissioners of Lewis and Clarke and Madison counties to procure a suitable person at each place to take charge of and keep in order the arms and ammunition in the arsenals at Helena, Virginia City, &c.                   |          |
| Introduced, read first and second times, and referred to committee on finance, . . . . .   | 129      |
| Report, recommending passage, adopted, . . . . .   | 133      |
| Rules suspended, read third time and passed, vote on, . . . . .  | 133      |
| Reported correctly enrolled, . . . . .   | 148      |
| Reported handed governor, . . . . .  | 150      |
| Returned by governor, with objection, . . . . .  | 164      |
| Vote on reconsidered, . . . . .  | 164      |
| Motion to pass over governor's veto, lost, . . . . .   | 166      |
| Reconsideration of vote, lost, . . . . .   | 166      |
| No. 8.— “ <i>Resolved</i> , By the House, the council concurring, that the secretary be requested to furnish to the members of both Houses of the assembly, a copy of the laws and journals passed at this session, as soon as convenient after printed. |          |
| Introduced, read first and second times, amended, . . . . .  | 137      |
| Adopted as amended, . . . . .  | 137      |
| Rules suspended, read third time, and passed, vote on, . . . . .   | 151      |
| Notice of amendments by council, . . . . .   | 154      |
| Council amendments concurred in, . . . . .   | 154      |
| Reported correctly enrolled, . . . . .   | 156      |
| Reported handed governor, . . . . .  | 158      |
| No. 9.— “An act to authorize the territorial auditor to draw certain warrants.”  |          |
| Introduced, read first and second times, rules suspended, read third time, and passed, vote on, . . . . .  | 149, 150 |
| Notice of passage of by council, . . . . .   | 154      |



BILLS OF THE HOUSE — *Continued.*

PAGE.

## HOUSE JOINT RESOLUTIONS.

|   |     |
|---|-----|
| Reported correctly enrolled and signed by speaker,  | 156 |
| Reported handed governor,   | 158 |
| No. 10.—Regarding adjourning Wednesday, January 5, 1870.  |     |
| Introduced, read first and second times,  | 152 |
| • Motion to refer to select committee lost,   | 152 |
| Motions to amend lost,  | 152 |
| Laid on table, vote on,   | 152 |
| No. 11.—“An act authorizing the auditor to draw certain war-<br>rants.”   |     |
| Introduced, read first time, and rejected, vote on,   | 156 |
| No. 12.—“An act to appropriate money to J. Thompson and Wil-<br>liam Deasey.”   |     |
| Introduced, read first time, and rejected, vote on,   | 158 |
| Motions to reconsider tabled,   | 158 |
| No. 13.—“An act to appropriate three hundred dollars to S. D.<br>Johns, for services as clerk of committee on ways<br>and means.” |     |
| Introduced, read first and second times, and referred to<br>select committee,   | 163 |
| Report, with amendments, adopted,   | 165 |
| Rules suspended and read third time,  | 165 |
| Amendment offered to, lost, read third time, passed, vote<br>on,  | 165 |
| Notice of passage of by council,  | 170 |
| Reported correctly enrolled and signed by speaker,  | 170 |
| Reported handed governor,   | 171 |
| No. 14.—“An act to appropriate money for a monument to the<br>memory of General Thomas F. Meagher.”                               |     |
| Introduced, read first and second times, and made special<br>order,   | 166 |
| Ordered enrolled,   | 178 |
| No. 15.—“To adjourn <i>sine die</i> on January 6th, 1870, at 4 P. M.”   |     |
| Introduced, read first time, and made special order,  | 171 |
| Amended, read third time, and passed, vote on,  | 172 |
| Motion to reconsider laid on table,   | 172 |
| Reported correctly engrossed,   | 175 |
| Notice of passage of by council,  | 178 |
| No. 16.—“An act appropriating five hundred dollars to Hon. James<br>M. Ashley, for money expended on immigration.”                |     |
| Introduced, read first time, motion to reject lost, vote on,  | 171 |
| Motion to refer to appropriate committee carried,   | 171 |
| Committee on ways and means, by majority and minority,<br>reports,  | 173 |

BILLS OF THE HOUSE—*Continued.*

PAGE.

## HOUSE JOINT RESOLUTIONS.

|   |     |
|---|-----|
| Motion to adopt majority report laid on table, . . .  | 173 |
| Motion to adopt minority report on, lost, . . .   | 178 |
| Motion to adopt majority report, lost, vote on, . . .   | 179 |
| Resolution indefinitely postponed, . . .  | 179 |
| Motion to reconsider tabled, . . .  | 179 |
| No. 17.—“An act appropriating four hundred dollars for the pay-<br>ment of persons to take charge of and keep in order<br>the arsenal and arms of the territory.” |     |
| Introduced, read first and second times, and referred to<br>select committee, . . .   | 171 |
| Report, with substitute, adopted, . . .   | 172 |
| Rules suspended, read third time, and passed, vote on, . . .  | 172 |
| Notice of passage of substitute by council, . . .   | 180 |
| Council substitute read first and second times, rules sus-<br>pended, read third time, and passed, vote on, . . .   | 181 |
| Reported correctly enrolled, signed by speaker, and hand-<br>ed governor, . . .   | 182 |
| Vote on reconsidered, resolution amended and passed, re-<br>ported correctly engrossed, . . .   | 182 |
| Amendments concurred in by council, . . .   | 184 |
| Reported handed governor, . . .   | 185 |
| No. 18.—“An act to appropriate certain money.”  |     |
| Introduced, read first and second times, rules suspended,<br>read third time, and passed, vote on, . . .  | 175 |
| Notice of passage of by council, . . .  | 178 |
| Ordered enrolled, . . .   | 178 |
| Reported correctly enrolled, signed by speaker, and hand-<br>ed governor, . . .   | 182 |
| Vote on reconsidered, resolution amended and passed, re-<br>ported correctly engrossed, . . .   | 182 |
| Amendments concurred in by council, . . .   | 184 |
| Reported handed governor, . . .   | 185 |
| No. 19.—“An act to provide for the printing of the laws of the<br>present session.”   |     |
| Introduced, read first and second times, rules suspended,<br>read third time, passed, vote on, . . .  | 176 |
| No. 20.—“An act to pay Bartlett & Weimmer forty-five dollars.”  |     |
| Read first and second times, rules suspended, read third<br>time, passed, vote on, . . .  | 178 |
| Notice of passage of by council, . . .  | 182 |
| Reported correctly enrolled, . . .  | 183 |
| Reported handed governor, . . .   | 184 |

BILLS OF THE HOUSE — *Continued.*

PAGE.

## HOUSE JOINT MOTION.

|   |     |
|---|-----|
| No. 1.— Requesting appropriations for building road, &c.                                  |     |
| Introduced, . . . . .   | 123 |
| Read first and second times, rules suspended, read third time, passed, vote on, . . . . . | 125 |
| Council amended title, concurred in, . . . . .  | 137 |
| Reported signed by speaker, . . . . .   | 142 |
| Reported handed governor, . . . . .   | 143 |

## BILLS OF THE COUNCIL.

|  |        |
|--|--------|
| No. 1. — “An act to repeal an act entitled ‘An act to provide for the collection of revenue,’ approved December 23, 1867.”   |        |
| Notice of introduction of by council, . . . . .  | 53     |
| “ passage of by council, . . . . .   | 59     |
| Report of committee on revenue, recommending its passage, . . . . .  | 64     |
| Report received and adopted, . . . . .   | 65     |
| Rules suspended, read third time, and passed, . . . . .  | 65, 66 |
| Notice of approval of by governor, . . . . .   | 98     |
| No. 2. — “An act to amend an act entitled ‘An act defining the council and representative districts of the territory of Montana, and apportioning the members of the legislative assembly thereof,’ approved December 13, 1867.” |        |
| Notice of introduction of by council, . . . . .  | 53     |
| “ passage of by council, . . . . .   | 64     |
| Taken up by House, read first and second times, and referred to committee on education, . . . . .  | 66     |
| Committee on elections report, recommending passage of, adopted, . . . . .   | 71     |
| Taken up, read third time, and passed, . . . . .   | 71     |
| Notice of veto of by governor and passage of by council over veto, . . . . .   | 98     |
| Taken up and passed over veto, vote on, . . . . .  | 98     |
| No. 3. — “An act to repeal an act entitled ‘An act to prevent officers from dealing in certain securities,’ approved February 2, 1865.”  |        |
| Notice of passage by council, . . . . .  | 63     |
| Report of committee on territorial affairs, recommending it do not pass, adopted, . . . . .  | 67     |
| Read third time and passed, . . . . .  | 72     |
| Notice of approval of by governor, . . . . .   | 98     |
| No. 4. — “An act to authorize the citizens of Jefferson county to change the county seat of said county.”  |        |



BILLS OF THE COUNCIL — *Continued.*

|   | PAGE. |
|---|-------|
| Notice by council of introduction, . . . . .  | 59    |
| Taken up by House, read first and second times, referred<br>to select committee, . . . . .  | 103   |
| Notice of passage of by council, . . . . .  | 106   |
| Majority report of committee received, . . . . .  | 111   |
| Minority report made special order, . . . . .   | 111   |
| Considered by committee of the whole, . . . . .   | 116   |
| Committee of the whole ask time to report on, granted, . . . . .  | 116   |
| Reported back with recommendation to pass, . . . . .  | 117   |
| Rules suspended, read third time, passed, vote on, . . . . .  | 117   |
| Notice of signing of by speaker, . . . . .  | 122   |
| No. 5. — "An act to repeal an act to provide extra compensation<br>to the secretary of Montana, approved December 24,<br>1867."         |       |
| Notice of introduction of by council, . . . . .   | 59    |
| No. 6. — "An act declaring Sarah Francis Gorham of lawful age."   |       |
| Notice of introduction of by council, . . . . .   | 63    |
| Notice of passage of by council, . . . . .  | 73    |
| Taken up by House, read first and second times, rules<br>suspended, read third time, . . . . .  | 75    |
| Lost, vote on, . . . . .  | 75    |
| Notice given of motion to reconsider vote on, . . . . .   | 75    |
| Reconsideration of vote on, moved and carried, vote on, . . . . .   | 80    |
| Taken up, read third time, and passed, vote on, . . . . .   | 81    |
| No. 7. — "An act amendatory of an act entitled 'An act to author-<br>ize the repeal of an act to incorporate the city of<br>Virginia.'" |       |
| Notice of introduction of by council, . . . . .   | 69    |
| Notice of passage of by council, . . . . .  | 70    |
| Taken up by House, read first and second times, and re-<br>ferred to a committee of Madison county members, . . . . .                   | 80    |
| Report by committee, recommending passage, adopted, . . . . .   | 82    |
| Read third time and passed, vote on, . . . . .  | 83    |
| Notice of signing by speaker, . . . . .   | 91    |
| No. 8. — "An act providing for compensation of certain officers,<br>and repealing certain acts and parts of acts."                      |       |
| Notice of introduction of by council, . . . . .   | 69    |
| Taken up by House and read first and second times, . . . . .  | 142   |
| Amendment to section 5 offered, lost, . . . . .   | 142   |
| Motion to indefinitely postpone laid on table, vote on, . . . . .   | 142   |
| Amendments offered, carried, . . . . .  | 142   |
| Made special order, . . . . .   | 143   |
| Report of committee on, with amendments, adopted, . . . . .   | 153   |
| Read, as amended, third time, and passed, vote on, . . . . .  | 153   |
| Reported correctly engrossed, . . . . .   | 155   |

BILLS OF THE COUNCIL — *Continued.*

|   | PAGE. |
|---|-------|
| Council refuse to concur, and ask House to recede from amendments, . . . . .  | 164   |
| House refuse to recede, and conference committee appointed, . . . . .   | 164   |
| Notice of signing of by speaker, . . . . .  | 176   |
| No. 9. — "An act relating to notaries public."  |       |
| Notice of introduction of by council, . . . . .   | 70    |
| Taken up by House, read first and second times, rules suspended to read third time, . . . . .   | 103   |
| Read third time, passed, vote on, . . . . .   | 104   |
| Notice of passage of by council, . . . . .  | 104   |
| " signing by speaker, . . . . .   | 120   |
| No. 10.—"An act organizing an immigrant bureau."  |       |
| Notice of introduction of by council, . . . . .   | 70    |
| No. 11.—"An act to amend an act entitled 'An act providing for the collection of revenue.'"   |       |
| Notice of introduction of by council, . . . . .   | 70    |
| " passage of by council, . . . . .  | 88    |
| Taken up by House, read first and second times, and referred to committee of the whole, . . . . .   | 89    |
| Considered in committee of the whole, . . . . .   | 101   |
| Reported back with amendments, report adopted, . . . . .  | 102   |
| Rules suspended, adopted as amended, read third time, passed, vote on, . . . . .  | 102   |
| Council refuse to concur in amendments, ask House to recede, . . . . .  | 120   |
| Notice of signing of by speaker, . . . . .  | 133   |
| No. 12.—"An act to amend an act entitled 'An act to regulate proceedings in civil cases in the courts of justice in Montana territory,' approved December 23, 1867."  |       |
| Notice of introduction of by council, . . . . .   | 70    |
| " passage of by council, . . . . .  | 104   |
| Taken up and read first and second times, and referred to special committee, . . . . .  | 104   |
| Report, recommending passage, adopted, . . . . .  | 110   |
| Read third time, passed, vote on, . . . . .   | 112   |
| Notice of signing by speaker, . . . . .   | 120   |
| No. 13.—"An act to amend an act defining the duties of county treasurers, and the payment of county warrants, approved November 9, 1867, and repealing certain acts." |       |
| Notice of introduction of by council, . . . . .   | 70    |
| " passage of by council, . . . . .  | 81    |
| Taken up by House, read first and second times, and referred to committee on ways and means, . . . . .  | 89    |

BILLS OF THE COUNCIL—*Continued.*

|   | PAGE.  |
|---|--------|
| Committee report, with amendments, . . . . .  | 91     |
| Taken up with amendment, motion to postpone, lost,<br>made special order, . . . . .                             | 93     |
| Bill and amendment read for information, rules sus-<br>pended, read third time, passed, vote on, . . . . .      | 98     |
| Notice of reconsideration of vote on given, . . . . .   | 98     |
| Notice of signing of by speaker, . . . . .  | 104    |
| Communication from council, asking House to recede<br>from amendment, . . . . .                                 | 108    |
| House refuses to recede, vote on, . . . . .   | 108    |
| Notice that council concur in amendment, . . . . .  | 114    |
| Council amendments concurred in, . . . . .  | 134    |
| No. 14.—“An act to repeal an act for the better observance of the<br>Lord’s Day, approved December 10, 1867.”   |        |
| Notice of introduction of by council, . . . . .   | 73     |
| No. 15.—“An act to authorize the citizens of Meagher county to<br>change the county seat of said county.”       |        |
| Notice of introduction by council, . . . . .  | 73     |
| “ passage by council, . . . . .   | 93     |
| Taken up by House, read first and second times, and re-<br>ferred to special committee, . . . . .               | 108    |
| Report, recommending passage, adopted, . . . . .  | 111    |
| Made special order, . . . . .   | 111    |
| Considered in committee of the whole, . . . . .   | 117    |
| Report, recommending passage, adopted, . . . . .  | 118    |
| Rules suspended, read third time, passed, vote on, . . . . .  | 118    |
| Notice of signing of by speaker, . . . . .  | 122    |
| No. 16.—“An act regulating the fees of county clerks and re-<br>corders.”                                       |        |
| Notice of introduction of by council, . . . . .   | 74     |
| “ passage of by council, . . . . .  | 120    |
| Taken up by House, read first and second times, and re-<br>ferred to judiciary committee, . . . . .             | 122    |
| Report, recommending passage, adopted, . . . . .  | 134    |
| Read third time, passed, vote on, . . . . .   | 134    |
| No. 17.—“An act to amend an act entitled ‘An act in relation to<br>public highways,’” approved January 6, 1869. |        |
| Notice of introduction of by council, . . . . .   | 81     |
| Notice of passage by council, . . . . .   | 88, 89 |
| Taken up by House, read first and second times, and re-<br>ferred to committee on roads and highways, . . . . . | 89     |
| Report of committee, recommending passage, adopted,<br>read third time and passed, vote on, . . . . .           | 97     |
| Notice of signing by speaker, . . . . .   | 104    |



BILLS OF THE COUNCIL — *Continued.*

|   | PAGE. |
|---|-------|
| No. 18.—“An act to regulate the fees of sheriffs in Montana territory.”                                     |       |
| Notice of introduction by council, . . . . .  | 82    |
| Notice of passage of by council, . . . . .  | 126   |
| Taken up by House, read first time and rejected, . . . . .  | 134   |
| No. 19.—“An act authorizing officers to prosecute suits without giving bonds.”                              |       |
| Notice of introduction of by council, . . . . .   | 82    |
| Notice of passage of by council, . . . . .  | 104   |
| Taken up by House, read first and second times, rules suspended, read third time, . . . . .                 | 104   |
| Lost, vote on, . . . . .  | 104   |
| Notice given of reconsideration of vote, . . . . .  | 105   |
| Vote reconsidered, bill read third time, passed, vote on, . . . . .   | 111   |
| Notice of signing by speaker, . . . . .   | 120   |
| No. 20.—“An act to regulate the fees of justices of the peace in Montana territory.”                        |       |
| Notice of passage of by council, . . . . .  | 93    |
| Taken up, read for information, rejected, vote on, . . . . .  | 97    |
| No. 21.—“An act to dissolve the bonds of matrimony between Olive Boody and G. W. Boody.”                    |       |
| Notice of passage of by council, . . . . .  | 93    |
| No. 22.—“An act defining the duties of county commissioners.”   |       |
| Notice of introduction of by council, . . . . .   | 89    |
| No. 23.—“An act concerning licenses.”   |       |
| Notice of introduction of by council, . . . . .   | 89    |
| Notice of passage of by council, . . . . .  | 114   |
| Taken up by House, read first and second times, and referred to committee of the whole, . . . . .           | 114   |
| Considered in committee of the whole, . . . . .   | 114   |
| Reported back with amendments, made special order, . . . . .  | 118   |
| Considered in committee of the whole, . . . . .   | 121   |
| Reported with amendments, ordered engrossed, . . . . .  | 123   |
| Amendments taken up, rules suspended, read third time, passed, vote on, . . . . .                           | 139   |
| Reported correctly engrossed, . . . . .   | 139   |
| Notice that council refuse to concur, and asking House to recede, . . . . .                                 | 142   |
| House refuse to recede, and ask committee of conference, . . . . .  | 142   |
| Council concur in amendment, . . . . .  | 143   |
| Council asked to return, . . . . .  | 147   |
| No. 24.—“An act to provide for the custody, maintenance, and treatment of the insane of Montana territory.” |       |
| Notice of introduction of by council, . . . . .   | 98    |
| Notice of passage of by council, . . . . .  | 120   |

BILLS OF THE COUNCIL — *Continued.*

|   | PAGE. |
|---|-------|
| Taken up by House, read first and second times, and referred to select committee, . . . . .   | 121   |
| Report, recommending passage, received, . . . . .   | 123   |
| Referred to committee of the whole, considered by, . . . . .  | 125   |
| Reported back with amendments, . . . . .  | 127   |
| Taken up and indefinitely postponed, . . . . .  | 130   |
| Vote to postpone re-considered, rules suspended, read third time, passed, vote on, . . . . .  | 132   |
| Amendments reported correctly engrossed, . . . . .  | 136   |
| Refuse to recede from amendments, and ask committee of conference, . . . . .  | 146   |
| Council ask House to recede from amendments, . . . . .  | 146   |
| Committee of conference appointed on, . . . . .   | 147   |
| Committee of conference report, . . . . .   | 148   |
| No. 25.—“An act defining the duties of the governor of Montana.”  |       |
| Taken up by House, read first and second times, and referred to special committee, . . . . .  | 104   |
| Report, recommending passage without amendment, adopted, . . . . .  | 107   |
| Rules suspended, read third time and passed, vote on, . . . . .   | 107   |
| Reported signed by speaker, . . . . .   | 110   |
| Notice of passage by council over governor's veto, . . . . .  | 126   |
| Taken up with governor's objections, vote on re-considered, . . . . .   | 127   |
| Passed over governor's veto, vote on, . . . . .   | 128   |
| No. 26.—“An act to regulate the fees of the clerks in district courts in Montana territory.”  |       |
| Notice of introduction of by council, . . . . .   | 113   |
| Notice of passage of by council, . . . . .  | 126   |
| Judiciary committee report, recommending it do not pass, . . . . .  | 136   |
| Laid on table, . . . . .  | 136   |
| No. 27.—“An act to authorize the territorial auditor to issue a triplicate territorial warrant, in lieu of territorial warrant No. 3, of \$248, for \$390, to Mr. E. W. Haskell.” |       |
| Notice of introduction of by council, . . . . .   | 113   |
| Notice of passage of by council, . . . . .  | 120   |
| Taken up by House, read first and second times, rules suspended, read third time, passed, vote on, . . . . .  | 120   |
| Notice of signing of by speaker, . . . . .  | 133   |
| No. 28.—“An act to repeal an act giving extra or increased compensation to the governor of Montana territory.”  |       |
| Notice of introduction of by council, . . . . .   | 113   |
| Notice of passage of by council, . . . . .  | 114   |

BILLS OF THE COUNCIL — *Continued.*

|  | PAGE. |
|--|-------|
| Taken up by House, read first and second times, laid on table, . . . . .   | 116   |
| Taken from table, rules suspended, read third time and passed, vote on, . . . . .  | 127   |
| Notice of signing by speaker, . . . . .  | 138   |
| No. 29.—“An act to repeal an act giving extra compensation to members and attaches of the legislative assembly of Montana territory.”  |       |
| Notice of introduction of by council, . . . . .  | 113   |
| Notice of passage of by council, . . . . .   | 114   |
| Taken up by House, read first and second times, repeated, . . . . .  | 116   |
| Rules suspended, read third time and passed, vote on, . . . . .  | 144   |
| No. 30.—“A bill to incorporate the town of Helena.”  |       |
| Notice of introduction of by council, . . . . .  | 113   |
| Notice of passage of by council, . . . . .   | 140   |
| Taken up by House, read first and second times, and referred to select committee, . . . . .  | 141   |
| Report, recommending amendments, adopted, . . . . .  | 144   |
| Read third time and passed as amended, vote on, . . . . .  | 144   |
| Reconsideration of vote carried, and bill indefinitely postponed, . . . . .  | 145   |
| Vote to indefinitely postpone reconsidered, and council asked to return, . . . . .   | 147   |
| Vote to postpone reconsidered, read third time and passed, vote on, . . . . .  | 156   |
| Notice of signing of by speaker, . . . . .   | 170   |
| No. 31.—“An act to amend an act entitled ‘An act relative to the pre-emption of town sites upon public lands, and the disposal of trusts created thereby,’” approved December 12, 1867.  |       |
| Notice of introduction of by council, . . . . .  | 114   |
| Notice of passage of by council, . . . . .   | 132   |
| Taken up by House, read first and second times, and referred to committee on towns and counties, . . . . .   | 135   |
| Report, recommending passage, adopted, and made special order, . . . . .   | 137   |
| Amended, read third time and passed, vote on, . . . . .  | 139   |
| Amendments receded from, . . . . .   | 145   |
| Council ask House to recede from, . . . . .  | 146   |
| No. 32.—“An act providing for the laying out and establishing of a territorial road from Medicine Lodge Pass, in Beaver Head county, to the city of Helena, in Lewis and Clarke county.” |       |



BILLS OF THE COUNCIL — *Continued.*

|   | PAGE. |
|---|-------|
| Notice of introduction of by council, . . . . .   | 114   |
| Notice of passage of by council, . . . . .  | 126   |
| Taken up by House, read first and second times, and indefinitely postponed, . . . . .   | 129   |
| No. 33.—“An act to repeal an act to amend an act entitled ‘An act to provide for the increased compensation to the officers in this territory,’” approved January 15, 1869. |       |
| No. 34.—“An act defining the duties of territorial auditor in relation to public printing.”   |       |
| Notice of passage of by council, . . . . .  | 120   |
| Taken up by House, read first and second times, rules suspended, read third time, passed, vote on, . . . . .  | 122   |
| Notice of signing of by speaker, . . . . .  | 133   |
| No. 35.—“An act to repeal parts of an act to amend an act entitled ‘An act to regulate proceedings in civil cases in the courts of justice in Montana.’”                    |       |
| Notice of passage of by council, . . . . .  | 120   |
| Taken up by House, read first and second times, and referred to judiciary committee, . . . . .  | 122   |
| Report of committee, recommending passage, adopted, . . . . .   | 131   |
| Rules suspended, read third time and, passed, vote on, . . . . .  | 131   |
| Notice of signing by speaker, . . . . .   | 138   |
| No. 36.—“An act relating to costs in criminal cases.”   |       |
| No. 37.—“An act authorizing the county commissioners of the several counties within the territory of Montana to regulate and establish the tolls on bridges and ferries.”   |       |
| Notice of introduction of by council, . . . . .   | 140   |
| Taken up by House, read first and second times, rules suspended, read third time, and passed, vote on, . . . . .  | 141   |
| Notice of signing of by speaker, . . . . .  | 148   |
| No. 38.—“An act to legalize certain conveyances of real estate and quartz property in this territory.”  |       |
| Notice of passage of by council, . . . . .  | 140   |
| No. 39.—“A bill defining the duties of territorial auditor and treasurer.”  |       |
| Notice of introduction and passage of by council, . . . . .   | 143   |
| No. 40.—“An act to regulate the fees of district attorneys in Montana territory.”   |       |
| Notice of passage of by the council, . . . . .  | 154   |
| Taken up by House, read first and second times, . . . . .   | 155   |
| Rules suspended, read third time and passed, vote on, . . . . .   | 155   |
| Motion to reconsider, tabled, . . . . .   | 156   |
| Notice of signing of by speaker, . . . . .  | 176   |

BILLS OF THE COUNCIL — *Continued.*

PAGE.

No. 41.—“An act to amend an act in relation to the appointment  
of deputy district attorneys, approved December 23,  
1867.”

|   |     |
|---|-----|
| Notice of introduction and passage of by council, . . .                                     | 146 |
| Taken up by House, and read first and second times, . . .                                   | 148 |
| Motion to suspend rules and read third time, lost, . . .                                    | 148 |
| Motion to indefinitely postpone lost, . . . . .   | 148 |
| Referred to special committee of members from Deer<br>Lodge and Meagher counties, . . . . . | 149 |
| Report, recommending passage, received, . . . . .   | 151 |
| Read third time and passed, vote on, . . . . .  | 151 |
| Notice of signing of by speaker, . . . . .  | 170 |

No. 42.—“An act amendatory of an act entitled ‘An act to regu-  
late proceedings and define the jurisdiction of probate  
courts of the territory of Montana.’”

|   |     |
|---|-----|
| Notice of introduction and passage of by council, . . .                       | 154 |
| Read first and second times, and referred to select com-<br>mittee, . . . . . | 155 |
| Report of committee on, recommending passage, adopted, . . .                  | 157 |
| Read third time, rules suspended, passed, vote on, . . .                      | 157 |
| Notice of signing of by speaker, . . . . .                                    | 170 |

## COUNCIL JOINT RESOLUTIONS.

No. 1.—Taken up, read first and second times, rules suspended,  
passed, vote on, . . . . .

|  |     |
|--|-----|
| passed, vote on, . . . . .                                 | 103 |
| Notice of passage of by council, . . . . .                 | 105 |
| Chief clerk instructed to request council to return, . . . | 108 |
| Notice of enrollment of by council, . . . . .              | 114 |
| “ signing by speaker, . . . . .                            | 120 |

No. 2.—Notice of passage of by council, . . . . .

|   |     |
|---|-----|
| Notice of passage of by council, . . . . .  | 140 |
| Taken up by House, read first and second times, rules sus-<br>pended, read third time, passed, vote on, . . . . . | 141 |
| Notice of signing by speaker, . . . . .   | 148 |

No. 3.—Notice of passage of by council, . . . . .

|  |     |
|--|-----|
| Notice of passage of by council, . . . . .   | 164 |
| Taken up by House, read first and second times, and re-<br>ferred to committee on federal relations, . . . . . | 171 |
| Report, with amendments, adopted, . . . . .  | 177 |
| Rules suspended, read third time and passed, vote on, . . .  | 178 |

No. 4.—“An act to authorize the auditor of the territory to draw  
a certain warrant.”

|  |     |
|--|-----|
| Notice of passage of by council, . . . . .   | 154 |
| Taken up by the House, read first and second times, rules<br>suspended, read third time and passed, vote on, . . . . . | 154 |

No. 5.—Notice of passage of by council, . . . . .

|   |     |
|---|-----|
| Notice of passage of by council, . . . . .  | 174 |
| Taken up, read first and second times, rules suspended,<br>passed, vote on, . . . . . | 174 |

BILLS OF THE COUNCIL—*Continued.*

PAGE.

|   |     |
|---|-----|
| Notice of signing of by speaker, . . . . .              | 177 |
| No. 6.— Notice of passage of by council, . . . . .      | 174 |
| Taken up, read first and second times, rules suspended, |     |
| passed, vote on, . . . . .                              | 175 |
| Notice of signing of by speaker, . . . . .              | 177 |

## COUNCIL CONCURRENT RESOLUTIONS.

|   |     |
|---|-----|
| No. 1.— Read first and second times, rules suspended, read third    |     |
| time, passed, vote on, . . . . .                                    | 129 |
| Notice of signing of by speaker, . . . . .                          | 181 |
| No. 2.— Notice of passage of by council, . . . . .                  | 178 |
| Read first and second times, rules suspended, read third            |     |
| time, passed, vote on, . . . . .                                    | 178 |
| No. 3.— Notice of introduction and passage of by council, . . . . . | 179 |
| No. 4.— Notice of introduction and passage of by council, . . . . . | 179 |
| Read first and second times, rules suspended, read third            |     |
| time, passed, vote on, . . . . .                                    | 180 |
| Notice of signing of by speaker, . . . . .                          | 182 |
| No. 5.— Notice of passage of by council, . . . . .                  | 182 |
| Read first and second times, rules suspended, read third            |     |
| time, passed, vote on, . . . . .                                    | 183 |
| No. 6.— Notice of passage of by council, . . . . .                  | 182 |
| No. 7.— Notice of passage of by council, . . . . .                  | 183 |
| Taken up, read first and second times, rules suspended,             |     |
| read third time, passed, vote on, . . . . .                         | 183 |
| No. 8.— Notice of passage of by council, . . . . .                  | 183 |
| Taken up, read first and second times, rules suspended,             |     |
| read third time, lost, vote on, . . . . .                           | 183 |

## COUNCIL JOINT MOTIONS.

|  |     |
|--|-----|
| No. 1.— Notice of passage of by council, . . . . .       | 182 |
| Read first and second times, rules suspended, read third |     |
| time, passed, vote on, . . . . .                         | 182 |

## BOSWELL, N. C.—Member of House for Second District.

## APPOINTED.

|   |    |
|---|----|
| On committees, standing, on elections, . . . . .          | 50 |
| “ “ “ “ incorporations, . . . . .                         | 50 |
| “ “ special, to inform council of organization, . . . . . | 12 |
| “ “ “ on H. B. No. 2, . . . . .                           | 56 |
| “ “ “ on resolution to adjourn, . . . . .                 | 61 |
| “ “ “ to wait on secretary and ascertain                  |    |
| amount unexpended appropria-                              |    |
| tions, &c. . . . .  | 61 |
| “ “ “ on H. B. No. 19, . . . . .                          | 68 |
| “ “ “ on H. B. No. 28, . . . . .                          | 91 |
| “ “ “ on H. B. No. 30, . . . . .                          | 92 |



BOSWELL, N. C. — *Continued.*

PAGE.

## APPOINTED.

|  |     |
|--|-----|
| On committees, special, on C. B. No. 15, . . . . . | 108 |
| “ “ “ on C. B. No. 24, . . . . .                   | 121 |
| “ “ “ on C. B. No. 25, . . . . .                   | 105 |

|                                |        |
|--------------------------------|--------|
| Called to the chair, . . . . . | 64, 96 |
|--------------------------------|--------|

|   |    |
|---|----|
| Credentials of, reported correct, . . . . . | 10 |
|---|----|

|                                     |    |
|-------------------------------------|----|
| Extra mileage granted to, . . . . . | 90 |
|-------------------------------------|----|

## INTRODUCES BILLS.

|                         |    |
|-------------------------|----|
| H. B. No. 19, . . . . . | 68 |
|-------------------------|----|

|                           |     |
|---------------------------|-----|
| H. J. R. No. 5, . . . . . | 117 |
|---------------------------|-----|

|  |     |
|--|-----|
| Leave of absence granted to, . . . . . | 102 |
|--|-----|

## MOTIONS BY.

|   |    |
|---|----|
| That vote for speaker be by ballot, . . . . . | 11 |
|---|----|

|   |    |
|---|----|
| To appoint committee to inform council of organization, . . . . . | 12 |
|---|----|

|  |    |
|--|----|
| That S. R. Elwell be sworn in, . . . . . | 13 |
|--|----|

|  |    |
|--|----|
| To adjourn <i>sine die</i> , . . . . . | 49 |
|--|----|

|  |    |
|--|----|
| To refer H. B. No. 2 to special committee, . . . . . | 56 |
|--|----|

|  |    |
|--|----|
| To print governor's message and auditor's and treasurer's reports, . . . . . | 58 |
|--|----|

|  |    |
|--|----|
| To procure laws of fourth session, . . . . . | 62 |
|--|----|

|                                   |    |
|-----------------------------------|----|
| To take up H. B. No. 2, . . . . . | 63 |
|-----------------------------------|----|

|   |    |
|---|----|
| To lay on table motion to subscribe for two copies <i>Capital Times</i> , . . . . . | 81 |
|---|----|

|  |    |
|--|----|
| That sergeant-at-arms bring postage matter from the post office, . . . . . | 89 |
|--|----|

|                                   |    |
|-----------------------------------|----|
| To hold night sessions, . . . . . | 90 |
|-----------------------------------|----|

|   |    |
|---|----|
| To lay on table H. B. No. 31, . . . . . | 92 |
|---|----|

|  |    |
|--|----|
| To lay on table amendment to H. B. No. 19, . . . . . | 93 |
|--|----|

|   |    |
|---|----|
| To read third time and pass H. B. No. 19, . . . . . | 93 |
|---|----|

|  |    |
|--|----|
| On H. B. No. 28, to suspend rules, &c. . . . . | 95 |
|--|----|

|   |    |
|---|----|
| To rescind resolution not to entertain divorce cases, . . . . . | 96 |
|---|----|

|  |     |
|--|-----|
| To indefinitely postpone H. B. No. 38, . . . . . | 101 |
|--|-----|

|  |     |
|--|-----|
| To indefinitely postpone H. B. Mo. 41, . . . . . | 115 |
|--|-----|

## NOTICES BY.

|   |    |
|---|----|
| Of introduction of bill concerning the killing of game, &c. . . . . | 51 |
|---|----|

|   |    |
|---|----|
| Oath of office administered to, . . . . . | 10 |
|---|----|

## RESOLUTIONS BY.

|  |    |
|--|----|
| Fixing time of adjournment <i>sine die</i> , . . . . . | 61 |
|--|----|

|                                       |     |
|---------------------------------------|-----|
| To entertain no more bills, . . . . . | 119 |
|---------------------------------------|-----|

VOTES OF. See *Votes*.

## BOYCE, J. R.—Speaker of the House, Member for Third District.

## APPOINTED.

|  |   |
|--|---|
| On committee on credentials, . . . . . | 9 |
|--|---|

|   |   |
|---|---|
| “ “ to invite chief justice to administer oath, . . . . . | 9 |
|---|---|

ROYCE, J. R. — *Continued.*

PAGE.

## APPOINTED.

|  |     |
|--|-----|
| Certificate of, to journal of proceedings, . . . . . | 185 |
| Credentials of, declared correct, . . . . .          | 11  |
| Elected speaker, . . . . .                           | 11  |

## INTRODUCES BILLS.

|                           |     |
|---------------------------|-----|
| H. B. No. 41, . . . . .   | 115 |
| H. J. M. No. 1, . . . . . | 123 |

## MOTIONS BY.

|   |     |
|---|-----|
| To appoint committee on credentials, . . . . .                                      | 8   |
| To organize House temporarily, . . . . .  | 9   |
| To invite chief justice to administer oath of office, . . . . .                     | 9   |
| To request C. C. Menaugh to administer oath to Messrs. Boswell and Scott, . . . . . | 10  |
| To return H. B. No. 26 for correction, . . . . .                                    | 93  |
| On C. B. No. 28, to suspend rules, &c. . . . .                                      | 127 |
| To reject amendment H. B. No. 50, . . . . .   | 139 |
| To indefinitely postpone H. B. No. 50, . . . . .                                    | 139 |
| On C. B. No. 29, to suspend rules, &c. . . . .                                      | 144 |
| Nominated for speaker, . . . . .  | 11  |

## NOTICES BY.

|  |     |
|--|-----|
| Of introduction of bill, "An act to repeal and amend certain acts or parts of acts granting extra compensation to certain officers," . . . . . | 110 |
| Vote of thanks tendered to, . . . . .  | 184 |

VOTES OF. See *Votes*.

## BROWN, J. A.—Member for Fourth District.

## APPOINTED.

|   |     |
|---|-----|
| On committees, standing, on towns and counties, . . . . .   | 50  |
| “ “ “ on territorial affairs, . . . . .                     | 50  |
| “ “ special, on credentials, . . . . .                      | 8   |
| “ “ “ joint, to inform governor of joint session, . . . . . | 14  |
| “ “ “ on H. B. No. 19, . . . . .                            | 68  |
| “ “ “ on H. B. No. 13, . . . . .                            | 72  |
| “ “ “ on H. B. No. 52, . . . . .                            | 143 |
| Credentials of, correct, . . . . .                          | 9   |

## INTRODUCES BILL.

|                                      |     |
|--------------------------------------|-----|
| H. B. No. 43 (by consent), . . . . . | 113 |
|--------------------------------------|-----|

## MOTIONS BY.

|   |     |
|---|-----|
| To declare Ben Ezekiel assistant clerk, . . . . .                   | 11  |
| To extend freedom of House to ex-members, . . . . .                 | 61  |
| To receive and adopt report of committee on H. B. No. 25, . . . . . | 94  |
| To indefinitely postpone H. B. No. 42, . . . . .                    | 135 |

VOTES OF. See *Votes*.

## CLERK, CHIEF.

|  | PAGE. |
|--|-------|
| Geo. W. Rockfellow, appointed <i>pro tem.</i>  | 5     |
| “ “ nominated and declared by acclamation,   | 11    |
| Requested to present resolutions to secretary,   | 52    |
| Instructed to return H. B. No. 2 to council, for endorsements,                                 | 80    |
| “ inform council that House refuses to concur in amendments to H. B. No. 4, and beg to recede, | 83    |
| Instructed to return H. B. No. 3 to council, for change in title,                              | 89    |
| “ correct H. B. No. 21,  | 91    |
| “ request council to return C. J. R. No. 1,  | 108   |
| “ engage an assistant,   | 119   |
| “ ask council where and when H. B. No. 29 was lost,  | 134   |
| “ inform council House refuses to recede from amendments to C. B. No. 24,                      | 146   |
| Instructed to ask council to return C. B. No. 30,  | 147   |
| “ read history of all bills, &c.   | 179   |

## CLERK, ASSISTANT.

|  |    |
|--|----|
| Ben. Ezekiel, declared by acclamation, | 11 |
|--|----|

## CLERK, ENGROSSING.

|                       |    |
|-----------------------|----|
| P. E. Evans, elected, | 12 |
|-----------------------|----|

## CLERK, ENROLLING.

|                                    |    |
|------------------------------------|----|
| R. Hedge, declared by acclamation, | 12 |
|------------------------------------|----|

## COCKERILL, V. A.—Member of House for Ninth District.

## APPOINTED.

|  |     |
|--|-----|
| On committees, standing, on public lands, education, military affairs, Indian affairs, | 50  |
| On committees, special, on credentials,  | 8   |
| “ “ “ joint, on joint rules,   | 49  |
| “ “ “ H. B. No. 23,  | 73  |
| “ “ “ H. B. No. 54,  | 147 |
| Teller,  | 11  |
| Credentials of declared correct,   | 9   |

## INTRODUCES BILLS.

|                  |     |
|------------------|-----|
| H. B. No. 23,    | 73  |
| H. B. No. 45,    | 119 |
| H. B. No. 57,    | 153 |
| H. J. R. No. 20, | 178 |

## MOTIONS BY.

|   |    |
|---|----|
| That officers of minority organization be retained, | 9  |
| Tendering thanks to chief justice Warren,           | 10 |
| To organize permanently,                            | 10 |
| To proceed to elect speaker,                        | 11 |
| To appoint tellers,                                 | 11 |



COCKERILL, V. A. — *Continued.*

PAGE.

## MOTIONS BY.

|   |     |
|---|-----|
| To declare Geo. W. Rockfellow clerk by acclamation, . . .                             | 11  |
| “ R. Hedge engrossing clerk “ . . .   | 12  |
| To print 1000 copies governor's message, . . .  | 58  |
| To amend resolution to procure <i>Capital Times</i> , . . .                           | 68  |
| To lay on table resolution to procure chaplain, . . .                                 | 86  |
| To amend H. B. No. 21, . . . . .  | 92  |
| To make C. B. No. 13 special order, . . . . .   | 93  |
| To lay on table H. B. No. 38, . . . . .   | 101 |
| To receive report of committee on H. B. No. 36, . . .                                 | 101 |
| “ “ “ “ C. B. No. 11 and H. B. No. 32, . . . . .                                      | 102 |
| To suspend rules, &c. and consider council bills, &c. . .                             | 103 |
| To receive and adopt report of committee on C. B. No. 12, . .                         | 110 |
| To take up C. B. No. 28, . . . . .  | 116 |
| “ “ “ “ 29, . . . . .   | 116 |
| To receive and adopt report of committee on H. B. No. 42, . .                         | 119 |
| To take up H. B. No. 42, . . . . .  | 119 |
| To receive and adopt report of committee on H. B. No. 34, . .                         | 120 |
| To indefinitely postpone C. B. No. 32, . . . . .                                      | 129 |
| To expunge from records notice given by A. J. Smith, . . .                            | 130 |
| To lay on table motion to postpone reconsideration of vote on H. B. No. 41, . . . . . | 131 |
| To receive report of committee on C. B. No. 26 and lay on table, . . . . .            | 136 |
| To amend H. B. No. 50, . . . . .  | 139 |
| To recede from amendments to C. B. No. 31, . . . . .                                  | 145 |
| To refer H. B. No. 4, . . . . .   | 147 |
| To ask council to return C. B. No. 30, . . . . .                                      | 147 |
| To amend H. J. R. No. 10, . . . . .   | 152 |
| To lay on table motions to reconsider vote on C. B. No. 40, . .                       | 155 |
| To reconsider vote on H. J. R. No. 12, . . . . .                                      | 158 |
| To lay on table report of committee on H. B. No. 58, . . .                            | 167 |
| To amend H. B. No. 59, . . . . .  | 177 |
| On C. J. R. No. 3, to suspend rules, &c. . . . .                                      | 178 |
| To reconsider vote to postpone H. J. R. No. 16, . . . . .                             | 179 |

## NOTICES BY.

|  |     |
|--|-----|
| Of introduction of bill to legalize an act of the county commissioners of Gallatin county, &c. . . . . | 52  |
| Of introduction of an act to amend an act concerning counties and county officers, . . . . .           | 59  |
| Of introduction of bill concerning school lands, . . . . .   | 67  |
| Of motion to reconsider vote on H. B. No. 56, . . . . .  | 152 |

VOTES OF. See *Votes*.

## COLLINS, T. E.—Member of the House for Meagher county.

PAGE.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on roads and highways, | 51  |
| “ special, on H. B. No. 35,                    | 99  |
| “ “ H. J. R. No. 4,                            | 105 |
| “ “ H. B. No. 50,                              | 137 |
| “ “ H. B. No. 54,                              | 147 |
| “ “ C. B. No. 42,                              | 155 |
| “ “ H. J. R. No. 13,                           | 163 |
| “ “ H. B. No. 59,                              | 175 |
| Credentials reported correct,                  | 79  |

## INTRODUCES BILLS.

|                            |     |
|----------------------------|-----|
| H. B. No. 44 (by consent), | 118 |
| H. B. No. 47,              | 135 |
| H. B. No. 50,              | 136 |
| H. B. No. 54 (by consent), | 146 |

## MOTIONS BY.

|  |     |
|--|-----|
| To lay on table substitute for H. B. No. 15,   | 88  |
| To refer H. B. No. 35 to special committee,  | 99  |
| To indefinitely postpone H. B. No. 34,   | 100 |
| To receive and adopt report of committee on H. B. No. 37,  | 106 |
| “ “ “ “ H. J. R. No. 4,  | 106 |
| To grant leave of absence to Messrs Forbis and Pounds,   | 114 |
| To go into committee of the whole on C. B. No. 15,   | 117 |
| To reconsider vote on resolution to examine auditor's and treasurer's accounts,  | 126 |
| To lay on table resolution to appoint investigation committee,   | 128 |
| To grant leave of absence to Rev. G. Comfort,  | 132 |
| Directing speaker to reprimand fireman,  | 133 |
| To reject H. B. No. 51,  | 138 |
| On C. B. No. 23, to suspend rules, &c.   | 139 |
| To lay on table motion to indefinitely postpone C. B. No. 8,   | 142 |
| “ “ “ reconsider vote to amend C. B. No. 8,  | 143 |
| On C. B. No. 41, to suspend rules, &c.   | 148 |
| To refer H. J. R. No. 10 to select committee,  | 152 |
| To lay on table motion to amend H. J. R. No. 10,   | 152 |
| To tender vote of thanks to Maguire and Wright,  | 154 |
| On C. B. No. 42, to suspend rules, &c.   | 157 |
| To adopt report of committee on H. B. No. 59,  | 177 |
| Notice by, of introduction of bill to repeal an act relating to the discovery and possessory right of placer mines,    | 85  |
| Oath of office administered to,  | 79  |
| Resolution by, to instruct printing committee to furnish two copies of tri-weekly <i>Capital Times</i> to each member, | 86  |
| Votes of. See <i>Votes</i> .   |     |

## COMMITTEES.

PAGE.

JOINT.

|   |     |
|---|-----|
| To inform governor of joint session, appointed,   | 13  |
| Report of,  | 14  |
| On joint rules, appointed,  | 49  |
| Report of received and adopted, and committee discharged,   | 55  |
| To procure lights, fuel, and stationery, appointed,   | 56  |
| Report of and discharge,  | 59  |
| Report of,  | 149 |
| To amend license law, appointed,  | 60  |
| H. B. No. 8 referred to,  | 62  |
| Ask further time on,  | 66  |
| Report on C. B. No. 1,  | 64  |
| “ “ “ “ received and adopted,   | 65  |
| To wait on secretary to ascertain amount appropriations made, and amount expended, &c. appointed, | 61  |
| Report communication from secretary,  | 76  |
| Report, with documents, laid on table,  | 79  |

OF THE WHOLE.

|  |     |
|--|-----|
| H. B. No. 11 referred to,                          | 62  |
| Considered by,                                     | 64  |
| Report, with amendments,                           | 66  |
| H. B. No. 16 considered by,                        | 74  |
| Report on adopted,                                 | 76  |
| H. B. No. 15 considered by,                        | 87  |
| Report on,   | 87  |
| C. B. No. 11 referred to,                          | 89  |
| Considered by, report progress,                    | 96  |
| "        "   | 101 |
| Report on,   | 102 |
| H. B. No. 32 referred to,                          | 95  |
| Considered by,                                     | 101 |
| Report on,   | 102 |
| C. B. No. 23 referred to,                          | 114 |
| Considered by,                                     | 114 |
| Report on, adopted,                                | 118 |
| C. B. No. 11 referred to, considered by, ask time, | 116 |
| Report on, adopted,                                | 117 |
| C. B. No. 15 considered by,                        | 117 |
| Report on, adopted,                                | 118 |
| C. B. No. 23 considered by,                        | 121 |
| Report, with amendments,                           | 123 |
| C. B. No. 24 referred to, considered by,           | 125 |
| Report, with amendments,                           | 127 |



COMMITTEES — *Continued.*

PAGE.

## SPECIAL.

|  |                  |
|--|------------------|
| On credentials, appointed, . . . . .                                     | 8                |
| Report of, . . . . .   | 8, 9, 10, 79, 84 |
| To inform council of organization of House, appointed, . . . . .         | 12               |
| Report of received and committee discharged, . . . . .                   | 13               |
| To inform governor of organization of House, &c., appointed, . . . . .   | 12               |
| Report of received and committee discharged, . . . . .                   | 13               |
| To request secretary to furnish stationery, appointed, . . . . .         | 13               |
| Report progress, . . . . .   | 51               |
| Report of received and committee discharged, . . . . .                   | 54               |
| On H. B. No. 2, appointed, . . . . .                                     | 56               |
| Report of, . . . . .   | 59               |
| On resolution fixing time of adjournment, . . . . .                      | 61               |
| On governor's message, appointed, . . . . .                              | 65               |
| Report of, adopted, and committee discharged, . . . . .                  | 69               |
| On H. B. No. 17, appointed, . . . . .                                    | 67               |
| Report on, adopted, . . . . .  | 84               |
| On H. B. No. 19, appointed, . . . . .                                    | 69               |
| Report, with substitute, adopted, and committee discharged, . . . . .    | 82               |
| On immigration, appointed, . . . . .                                     | 68               |
| Governor's message concerning immigration referred to, . . . . .         | 69               |
| On H. B. No. 21, appointed, . . . . .                                    | 71               |
| Report, with substitute, . . . . .                                       | 84               |
| On H. B. No. 13, appointed, . . . . .                                    | 72               |
| Excused and another appointed, . . . . .                                 | 74               |
| Report of, with amendments, adopted, and committee discharged, . . . . . | 80               |
| On H. B. No. 15, appointed, . . . . .                                    | 74               |
| Report, with substitute, . . . . .                                       | 79               |
| On H. B. No. 23, appointed, . . . . .                                    | 73               |
| Report of received, and committee discharged, . . . . .                  | 80, 83           |
| On C. B. No. 7, Madison county members appointed, . . . . .              | 80               |
| Report of, adopted, and committee discharged, . . . . .                  | 82               |
| To procure chaplain for House, appointed, . . . . .                      | 86               |
| Report of, adopted, . . . . .  | 89               |
| On H. B. No. 30, appointed, . . . . .                                    | 92               |
| Report of, received, and committee discharged, . . . . .                 | 95               |
| On H. B. No. 28, appointed, . . . . .                                    | 91               |
| Report received and committee discharged, . . . . .                      | 95               |
| On H. B. No. 35, appointed, . . . . .                                    | 99               |
| Report on adopted and committee discharged, . . . . .                    | 101              |
| On H. B. No. 36, appointed, . . . . .                                    | 99               |
| Report on received and committee discharged, . . . . .                   | 101              |

COMMITTEES — *Continued.*

PAGE.

## SPECIAL.

|   |     |
|---|-----|
| On C. B. No. 25, appointed, . . . . .   | 104 |
| Report on adopted and committee discharged, . . . . .   | 107 |
| On C. B. No. 12, appointed, . . . . .   | 104 |
| Report on adopted and committee discharged, . . . . .   | 110 |
| On H. J. R. No. 4, appointed, . . . . .   | 105 |
| Report on adopted and committee discharged, . . . . .   | 106 |
| To ascertain appropriations needed to secure arsenal grounds,<br>&c., appointed, . . . . .                      | 107 |
| On C. B. No. 15, appointed, . . . . .   | 108 |
| Report of adopted and committee discharged, . . . . .   | 111 |
| On C. B. No. 4, appointed, . . . . .  | 103 |
| Report, majority, received, . . . . .   | 111 |
| " minority, " . . . . .   | 111 |
| To wait on governor and ascertain whether his veto message<br>was intended to be official, appointed, . . . . . | 112 |
| Report received and committee discharged, . . . . .   | 116 |
| On H. B. No. 42, appointed, . . . . .   | 117 |
| Report of adopted and committee discharged, . . . . .   | 119 |
| On C. B. No. 24, appointed, . . . . .   | 121 |
| Report on received and committee discharged, . . . . .  | 123 |
| To investigate accounts of auditor and treasurer, appointed, . . . . .  | 125 |
| Resolution appointing reconsidered and laid on table, . . . . .   | 127 |
| On H. B. No. 46, Madison county members appointed, . . . . .  | 133 |
| Report of adopted, . . . . .  | 136 |
| On H. B. No. 50, appointed, . . . . .   | 137 |
| Report of received and committee discharged, . . . . .  | 139 |
| On C. B. No. 30, appointed, . . . . .   | 141 |
| Report on, with amendments, . . . . .   | 143 |
| On H. B. No. 52, appointed, . . . . .   | 143 |
| Report, with amendments, adopted, and committee<br>discharged, . . . . .  | 155 |
| On H. B. No. 54, appointed, . . . . .   | 147 |
| Taken from committee, . . . . .   | 149 |
| Conference, on C. B. No. 24, appointed, . . . . .   | 147 |
| Report of adopted and committee discharged, . . . . .   | 148 |
| On C. B. No. 41, members from Deer Lodge and Meagher<br>counties, . . . . .                                     | 149 |
| Report received and committee discharged, . . . . .   | 151 |
| On C. B. No. 42, appointed, . . . . .   | 155 |
| Report of adopted and committee discharged, . . . . .   | 157 |
| On H. J. R. No. 13, appointed, . . . . .  | 163 |
| Report of adopted and committee discharged, . . . . .   | 165 |
| On H. B. No. 58, appointed, . . . . .   | 163 |

COMMITTEES — *Continued.*

PAGE.

## SPECIAL.

|   |     |
|---|-----|
| On H. J. R. No. 17, appointed, . . . . .    | 171 |
| Report, with substitute, adopted, . . . . . | 172 |
| On H. B. No. 59, appointed, . . . . .       | 174 |
| Report, with amendments, adopted, . . . . . | 177 |

## COMMITTEES, STANDING.

## ON AGRICULTURE AND MANUFACTURES.

|                                     |    |
|-------------------------------------|----|
| Appointed, . . . . .                | 50 |
| H. B. No. 18 referred to, . . . . . | 68 |
| Report on, . . . . .                | 74 |
| H. B. No. 24 referred to, . . . . . | 73 |
| Report on, . . . . .                | 74 |

## ON EDUCATION.

|   |     |
|---|-----|
| Appointed, . . . . .                                  | 50  |
| H. B. No. 1 referred to, . . . . .                    | 56  |
| Report on, . . . . .                                  | 63  |
| C. B. No. 1 referred to, . . . . .                    | 66  |
| H. B. No. 11, with amendments, referred to, . . . . . | 66  |
| Report, with substitute, adopted, . . . . .           | 70  |
| H. B. No. 33 referred to, . . . . .                   | 96  |
| H. B. No. 34 withdrawn from, . . . . .                | 100 |
| H. B. No. 33, report on, . . . . .                    | 101 |
| H. B. No. 51 referred to, . . . . .                   | 139 |
| Report on, adopted, . . . . .                         | 140 |

## ON ELECTIONS

|  |    |
|--|----|
| Appointed, . . . . .                                       | 50 |
| H. B. No. 9 referred to, . . . . .                         | 62 |
| Report on, adopted, . . . . .                              | 71 |
| Governor's message on election laws referred to, . . . . . | 69 |
| C. B. No. 2, report on adopted, . . . . .                  | 71 |

## ON ENGROSSMENT.

|   |     |
|---|-----|
| Appointed, . . . . .  | 50  |
| Report H. B. No. 1 correctly engrossed, . . . . .           | 66  |
| “ H. Bs. Nos. 6, 7, and 16 correctly engrossed, . . . . .   | 71  |
| “ H. B. No. 3 correctly engrossed, . . . . .                | 72  |
| “ H. Bs. Nos. 20, 23, and 24 correctly engrossed, . . . . . | 83  |
| “ H. B. No. 13 correctly engrossed, . . . . .               | 85  |
| “ H. B. No. 18 “ “ . . . . .                                | 87  |
| “ H. Bs. Nos. 17, 19, and 26 correctly engrossed, . . . . . | 94  |
| “ H. B. No. 29 correctly engrossed, . . . . .               | 95  |
| “ H. B. No. 27 “ “ . . . . .                                | 110 |
| “ H. B. No. 32 “ “ . . . . .                                | 113 |
| “ H. B. No. 33 “ “ . . . . .                                | 118 |
| “ H. B. No. 42 “ “ . . . . .                                | 127 |



COMMITTEES, STANDING — *Continued.*

PAGE.

## ON ENGROSSMENT.

|   |     |
|---|-----|
| Report C. B. No. 24, amendments, correctly engrossed,             | 136 |
| “ H. B. No. 41, substitute, correctly engrossed,                  | 127 |
| “ C. B. No. 23 correctly engrossed,                               | 139 |
| “ H. B. No. 52 and amendments to C. B. No. 8 correctly engrossed, | 155 |
| “ H. J. R. No. 15 correctly engrossed,                            | 175 |
| “ H. J. Rs. Nos. 17 and 18 correctly engrossed,                   | 182 |

## ON ENROLLMENT.

|  |     |
|--|-----|
| Appointed,   | 50  |
| Report H. J. R. No. 3 correctly enrolled,  | 86  |
| “ “ “ handed governor,   | 87  |
| “ H. B. No. 4 correctly enrolled,  | 90  |
| “ “ handed governor,   | 91  |
| “ H. B. No. 20 correctly enrolled,   | 96  |
| “ “ handed governor,   | 97  |
| “ H. Bs. Nos. 1, 3, 25, 24, and 23 correctly enrolled,                             | 106 |
| “ “ “ “ “ handed governor,   | 107 |
| “ H. B. No. 17 correctly enrolled,   | 110 |
| “ “ handed governor,   | 110 |
| “ H. Bs. Nos. 18, 19, 37, and 39 correctly enrolled,                               | 127 |
| “ “ “ “ “ handed governor,   | 132 |
| “ “ 13, 26, and 35 correctly enrolled,   | 136 |
| “ “ “ “ “ handed governor,   | 136 |
| “ “ 16 and 47 correctly enrolled,  | 142 |
| “ H. J. R. No. 5 correctly enrolled,   | 142 |
| “ H. Bs. Nos. 16 and 47 handed governor,   | 142 |
| “ H. J. R. No. 5 and H. J. M. No. 1 handed governor,                               | 142 |
| “ H. B. No. 7 and C. S. correctly enrolled,  | 144 |
| “ H. Bs. Nos. 7 and 32 handed governor,  | 145 |
| “ H. B. No. 40 correctly enrolled,   | 146 |
| “ H. J. R. No. 7 correctly enrolled,   | 148 |
| “ H. Bs. Nos. 6, 40, and 51 correctly enrolled,                                    | 148 |
| “ “ “ “ “ and H. J. R. No. 7 handed governor,                                      | 150 |
| “ H. J. Rs. Nos. 4 and 9 correctly enrolled,                                       | 156 |
| “ H. Bs. Nos. 53 and 55 and H. J. R. No. 8 correctly enrolled,                     | 156 |
| “ H. Bs. Nos. 53 and 55, and H. J. Rs. Nos. 4, 8, and 9 handed governor,           | 158 |
| “ H. J. R. No. 13 correctly enrolled,  | 170 |
| “ “ “ “ and H. B. No. 52 handed governor,  | 171 |
| “ H. J. Rs. Nos 17 and 18 and H. B. No. 36 correctly enrolled and handed governor, | 182 |

COMMITTEE, STANDING — *Continued.*

PAGE.

## ON ENROLLMENT.

|   |     |
|---|-----|
| Report H. J. R. No. 20 correctly enrolled, . . . . .  | 183 |
| “ “ “ “ handed governor, . . . . .                    | 184 |
| “ H. J. Rs. Nos. 17 and 18 handed governor, . . . . . | 185 |

## ON FEDERAL RELATIONS.

|                                       |     |
|---------------------------------------|-----|
| Appointed, . . . . .                  | 50  |
| C. J. R. No. 3 referred to, . . . . . | 171 |
| Report on, adopted, . . . . .         | 177 |

## ON FINANCE.

|  |     |
|--|-----|
| Appointed, . . . . .   | 51  |
| Report on H. Bs. Nos. 6 and 7, . . . . .                       | 64  |
| H. B. No. 12 referred to, . . . . .                            | 64  |
| Governor's message on financial reports referred to, . . . . . | 69  |
| Report on H. B. No. 33, . . . . .                              | 106 |
| H. B. No. 41 referred to, . . . . .                            | 115 |
| Report on H. B. No. 31, . . . . .                              | 128 |
| H. J. R. No. 7 referred to, . . . . .                          | 129 |
| Report of, adopted, . . . . .                                  | 133 |

## ON INDIAN AFFAIRS.

|                      |    |
|----------------------|----|
| Appointed, . . . . . | 50 |
|----------------------|----|

## ON INCORPORATIONS.

|  |    |
|--|----|
| Appointed, . . . . .                       | 50 |
| H. B. No. 10 referred to, . . . . .        | 62 |
| Report on, received and adopted, . . . . . | 66 |
| H. B. No. 16 referred to, . . . . .        | 66 |
| Report on, rejected, . . . . .             | 67 |
| H. B. No. 25 referred to, . . . . .        | 80 |
| Report on, adopted, . . . . .              | 84 |

## ON INTERNAL IMPROVEMENTS.

|                      |    |
|----------------------|----|
| Appointed, . . . . . | 50 |
|----------------------|----|

## ON JUDICIARY.

|   |     |
|---|-----|
| Appointed, . . . . .                        | 50  |
| H. B. No. 14 referred to, . . . . .         | 65  |
| Report on, adopted, . . . . .               | 67  |
| H. B. No. 20 referred to, . . . . .         | 68  |
| Report on, adopted, . . . . .               | 75  |
| H. B. No. 4, report of, adopted, . . . . .  | 83  |
| H. B. No. 43 referred to, . . . . .         | 118 |
| H. B. No. 34, report on, adopted, . . . . . | 120 |
| C. B. No. 16 referred to, . . . . .         | 122 |
| Report of, adopted, . . . . .               | 134 |
| C. B. No. 35 referred to, . . . . .         | 122 |
| C. B. No. 26, report on, . . . . .          | 136 |

COMMITTEE, STANDING — *Continued.*

PAGE.

## ON MILITARY AFFAIRS.

Appointed, . . . . . 50

## ON MINES AND MINERALS.

Appointed, . . . . . 50

H. B. No. 13 referred to, . . . . . 65

Report on, adopted, . . . . . 72

H. B. No. 34 referred to, . . . . . 96

Requested to report on immediately, . . . . . 100

Report without recommendation, . . . . . 100

## ON PRINTING.

Appointed, . . . . . 50

Requested to make specific contracts, . . . . . 52

“ to print copies of House and joint rules, . . . . . 61

Report H. B. No. 15 correctly printed, . . . . . 85

Instructed to furnish tri-weekly *Capital Times*, . . . . . 86

Report on H. B. No. 21, . . . . . 91

Report of on printing, . . . . . 184

## ON PUBLIC LANDS.

Appointed, . . . . . 50

## ON ROADS AND HIGHWAYS.

Appointed, . . . . . 50

C. B. No. 17 referred to, . . . . . 89

Report on, adopted, . . . . . 97

## ON TERRITORIAL AFFAIRS.

Appointed, . . . . . 50

H. B. No. 15 referred to, . . . . . 65

C. B. No. 3, report on adopted, . . . . . 67

## ON TOWNS AND COUNTIES.

Appointed, . . . . . 50

Report on H. B. No. 3, . . . . . 64

H. B. No. 26 referred to, . . . . . 82

Report on, adopted, . . . . . 85

H. B. No. 27 referred to, . . . . . 85

Report of, adopted, . . . . . 118

C. B. No. 31 referred to, . . . . . 133

Report on, adopted, . . . . . 137

## ON WAYS AND MEANS.

Appointed, . . . . . 50

C. B. No. 13 referred to, . . . . . 89

Report on, . . . . . 91

Auditor's and treasurer's reports referred to, . . . . . 113

Report of, . . . . . 158

Received and adopted, . . . . . 163

Ordered printed, . . . . . 164



COMMITTEE, STANDING — *Continued.*

PAGE.

ON WAYS AND MEANS.

|   |     |
|---|-----|
| H. B. No. 45 referred to, . . . . .           | 118 |
| Report, without recommendation, . . . . .     | 125 |
| Authorized to send for witnesses, &c. . . . . | 134 |
| H. J. R. No. 16 referred to, . . . . .        | 171 |
| Report, by majority, . . . . .                | 173 |
| “ “ minority, . . . . .                       | 173 |

CHAPLAIN.

|   |    |
|---|----|
| Committee appointed to procure, . . . . .                     | 86 |
| Rev. George Comfort reported procured by committee, . . . . . | 89 |

COMFORT, REV. GEORGE.—Chaplain.

|  |     |
|--|-----|
| Leave of absence granted to, . . . . . | 132 |
|--|-----|

COMMUNICATIONS.

|                                  |     |
|----------------------------------|-----|
| From Maguire & Wright, . . . . . | 154 |
|----------------------------------|-----|

FROM THE COUNCIL.

|  |     |
|--|-----|
| That they will meet in joint session, . . . . .                  | 13  |
| Giving notices of bills, &c. . . . .                             | 53  |
| Of appointment of joint committee, . . . . .                     | 54  |
| Giving notices of bills, &c. . . . .                             | 59  |
| “ “ “ . . . . .  | 60  |
| “ “ “ . . . . .  | 63  |
| “ “ “ . . . . .  | 64  |
| “ “ “ . . . . .  | 68  |
| “ “ “ . . . . .  | 70  |
| “ “ “ . . . . .  | 72  |
| “ “ “ . . . . .  | 74  |
| “ “ “ . . . . .  | 81  |
| “ “ “ . . . . .  | 82  |
| “ “ “ . . . . .  | 87  |
| “ “ “ . . . . .  | 89  |
| “ “ “ . . . . .  | 93  |
| “ “ “ . . . . .  | 98  |
| “ “ “ . . . . .  | 104 |
| Asking House to recede from amendment to C. B. No. 13, . . . . . | 108 |
| Giving notices of bills, &c. . . . .                             | 113 |
| “ “ “ . . . . .  | 120 |
| “ “ “ . . . . .  | 126 |
| “ “ “ . . . . .  | 132 |
| “ “ “ . . . . .  | 140 |
| “ “ “ . . . . .  | 142 |
| “ “ “ . . . . .  | 143 |
| “ “ “ . . . . .  | 146 |
| “ “ “ . . . . .  | 154 |

COMMUNICATIONS — *Continued.*

PAGE.

## FROM THE COUNCIL.

|  |           |     |
|--|-----------|-----|
| Giving notice of bills, &c.                          | - . . . . | 164 |
| " " "  | . . . . . | 170 |
| " " "  | . . . . . | 174 |
| " " "  | . . . . . | 178 |
| " " "  | . . . . . | 179 |
| " " "  | . . . . . | 180 |
| " " "  | . . . . . | 182 |
| " " "  | . . . . . | 183 |
| " " "  | . . . . . | 184 |
| That the council concurred in resolution to adjourn, | . . . . . | 184 |

## COPE, G. F.—Member of House from First District.

## APPOINTED.

|  |           |     |
|--|-----------|-----|
| On committee, standing, on towns and counties.             | . . . . . | 50  |
| " " " military affairs,                                    | . . . . . | 50  |
| " " " incorporations,                                      | . . . . . | 50  |
| " " " elections,   | . . . . . | 50  |
| " " " finance,   | . . . . . | 50  |
| " special, on resolution fixing time to adjourn,           | . . . . . | 61  |
| " " H. J. R. No. 2,  | . . . . . | 61  |
| " " H. B. No. 15,  | . . . . . | 74  |
| " joint, to investigate accounts of auditor and treasurer, | . . . . . | 125 |
| Teller,  | . . . . . | 11  |
| Credentials declared correct,                              | . . . . . | 8   |

## INTRODUCES BILLS.

|   |           |     |
|---|-----------|-----|
| H. B. No. 4 (by consent, without notice), | . . . . . | 59  |
| H. J. R. No. 2,                           | . . . . . | 61  |
| H. B. No. 15 (by consent)                 | . . . . . | 65  |
| H. B. No. 22,                             | . . . . . | 71  |
| H. J. R. No. 10,                          | . . . . . | 152 |

## MOTIONS BY.

|  |           |       |
|--|-----------|-------|
| To appoint Wm. Deasey sergeant-at-arms <i>pro tem.</i>                       | . . . . . | 5, 12 |
| " O. P. Thomas door-keeper <i>pro tem.</i>                                   | . . . . . | 5     |
| " W. F. Reddick, fireman <i>pro tem.</i>                                     | . . . . . | 6, 12 |
| To receive and adopt report of joint committee on rules,                     | . . . . . | 55    |
| To reconsider vote on passage of H. B. No. 4,                                | . . . . . | 59    |
| To engross H. Bs. Nos. 6 and 7,  | . . . . . | 66    |
| To indefinitely postpone resolution to procure <i>Capital Times, &amp;c.</i> | . . . . . | 68    |
| To re-commit H. B. No. 15,   | . . . . . | 74    |
| To take up C. B. No. 6,  | . . . . . | 75    |
| To adopt report of committee on H. B. No. 15, with substitute,               | . . . . . | 79    |

COPE, G. F.—*Continued.*

PAGE.

## MOTIONS BY.

|  |     |
|--|-----|
| To take up and pass C. B. No. 6, . . . . .                                     | 81  |
| On H. B. No. 15, to suspend rules, &c. . . . .                                 | 87  |
| To postpone action on H. B. No. 15, . . . . .                                  | 93  |
| To amend H. B. No. 42, . . . . .   | 119 |
| To lay on table H. B. No. 46, . . . . .  | 133 |
| To amend H. B. No. 42, . . . . .   | 135 |
| To adopt report of committee on H. B. No. 46, . . . . .                        | 136 |
| To reconsider vote on H. B. No. 54, to lay on table, . . . . .                 | 149 |
| “ “ H. J. R. No. 7, over veto, . . . . .                                       | 166 |
| To make H. J. R. No. 14 special order, . . . . .                               | 166 |
| To reconsider vote on H. B. No. 58, . . . . .                                  | 167 |
| To reject H. J. R. No. 16, . . . . .   | 171 |
| To lay on table H. J. R. No. 16, . . . . .                                     | 171 |
| “ “ “ “ 15, . . . . .  | 172 |
| “ “ motion to adopt majority report of committee on H. J. R. No. 16, . . . . . | 173 |
| On H. J. R. No. 18, to suspend rules, &c. . . . .                              | 175 |
| To amend H. B. No. 59, . . . . .   | 177 |
| To adopt minority report of committee on ways and means, . . . . .             | 178 |
| To indefinitely postpone H. J. R. No. 16, . . . . .                            | 179 |
| To lay on table motion to reconsider motion to postpone, . . . . .             | 179 |
| To indefinitely postpone H. B. No. 22, . . . . .                               | 182 |

## NOTICES BY.

|  |     |
|--|-----|
| Of introduction of bill to amend section 28 of revenue laws, . . . . .   | 51  |
| “ “ amend an act amendatory to act securing liens to mechanics and others, . . . . .                                 | 55  |
| Of introduction of bill to impose special tax on Texan, Indian, or Cherokee cattle brought into territory, . . . . . | 67  |
| Resolution by, to appoint committee of investigation, &c. . . . .  | 128 |

VOTES OF. See *Votes*.

## DEASCEY, WM.

|   |    |
|---|----|
| Appointed sergeant-at-arms <i>pro tem</i> . . . . . | 5  |
| Declared “ by acclamation, . . . . .                | 12 |

## DOOR-KEEPER.

|   |   |
|---|---|
| O. P. Thomas appointed <i>pro tem</i> . . . . . | 5 |
|---|---|

## ELWELL, S. R.—Member of the House for Second District.

## APPOINTED.

|   |    |
|---|----|
| On committee, standing, on internal improvements, . . . . . | 50 |
| “ “ territorial affairs, . . . . .                          | 50 |
| “ special, on H. B. No. 2, . . . . .                        | 56 |
| “ “ to procure chaplain, . . . . .                          | 86 |
| Extra mileage granted to, . . . . .                         | 90 |



ELWELL, S. R. — *Continued.*

PAGE.

## INTRODUCES BILLS.

|   |     |
|---|-----|
| H. B. No. 2 (by consent, without notice), . . . . . | 56  |
| H. J. R. No. 7, . . . . .                           | 129 |
| H. J. R. No. 12, . . . . .                          | 157 |
| Leave of absence granted to, . . . . .              | 174 |

## MOTIONS BY.

|   |     |
|---|-----|
| That no divorce case be entertained, . . . . .                                  | 56  |
| To tender use of hall for levees of president of council and speaker, . . . . . | 65  |
| To reject H. B. No. 23, . . . . .   | 73  |
| On council substitute for H. B. No. 2, to suspend rules, &c. . . . .            | 97  |
| On C. B. No. 27, to suspend rules, &c. . . . .                                  | 120 |
| To indefinitely postpone H. B. No. 45, . . . . .                                | 125 |
| On H. J. R. No. 7 to suspend rules, &c. . . . .                                 | 133 |
| To indefinitely postpone C. B. No. 3, . . . . .                                 | 142 |
| To refer H. B. No. 54, . . . . .  | 147 |

## NOTICES BY.

|   |    |
|---|----|
| Of introduction of bill to legalize action of treasurer of Deer Lodge county, &c. . . . .   | 51 |
| Of introduction of bill to authorize county commissioners to call extra sessions, . . . . . | 51 |
| Of introduction of bill to prevent bulls running at large, &c. . . . .                      | 59 |
| Resolution by, to appoint committee to procure chaplain, . . . . .                          | 86 |
| Sworn in, . . . . .   | 49 |

VOTES OF. See *Votes*.

## EVANS, P. E.

|   |     |
|---|-----|
| Nominated and elected engrossing clerk, . . . . . | 12  |
| Granted leave of absence, . . . . .               | 113 |

## EZEKIEL, BEN.

|  |    |
|--|----|
| Declared assistant clerk by acclamation, . . . . . | 11 |
|--|----|

## FIREMAN.

|  |     |
|--|-----|
| W. F. Reddick appointed <i>pro tem</i> . . . . . | 6   |
| “ “ declared by acclamation, . . . . .           | 12  |
| Speaker directed to reprimand, . . . . .         | 133 |

## FORBIS, J. F.—Member of House for Third District.

## APPOINTED.

|   |    |
|---|----|
| On committee, standing, on judiciary, . . . . .         | 50 |
| “ “ education, . . . . .                                | 50 |
| “ “ printing, . . . . .                                 | 50 |
| “ “ finance, . . . . .                                  | 50 |
| “ “ agriculture, . . . . .                              | 75 |
| “ special, to inform council of organization, . . . . . | 12 |

FORBIS, J. F.—*Continued.*

## APPOINTED.

PAGE.

|  |     |
|--|-----|
| On committee, joint, to inform governor of joint session,  | 14  |
| “ “ to furnish fuel, lights, and stationery,   | 56  |
| “ “ to amend license laws, . . . .   | 60  |
| “ “ on governor's message, . . . .   | 65  |
| “ “ on immigration, . . . .  | 68  |
| “ “ H. B. No. 15, . . . .  | 74  |
| “ “ to procure chaplain, . . . ,   | 86  |
| “ “ on H. B. No. 29, . . . .   | 91  |
| “ “ on H. B. No. 36, . . . .   | 99  |
| “ “ on C. B. No. 25, . . . .   | 104 |
| “ “ to ascertain appropriation needed to se-<br>cure lands on which arsenals are lo-<br>cated, . . . . | 107 |
| “ “ on C. B. No. 15, . . . .   | 108 |
| “ “ to inquire of governor if his veto mes-<br>sage was intended as official, . .                      | 112 |
| “ “ on C. B. No. 24, . . . .   | 121 |
| “ “ on C. B. No. 30, . . . .   | 141 |
| “ “ on H. B. No. 54, . . . .   | 147 |
| “ “ of conference on C. B. No. 24, . .   | 147 |
| “ “ on H. J. R. No. 17, . . . .  | 171 |
| Credentials reported correct, . . . .  | 9   |

## INTRODUCES BILLS.

|                                      |              |
|--------------------------------------|--------------|
| H. B. No. 28 (by consent), . . . .   | 91           |
| H. B. No. 30 “ . . . .               | 92           |
| H. B. No. 33 “ . . . .               | 96           |
| H. B. No. 53 “ . . . .               | 145          |
| In the chair, . . . .                | 87, 121, 170 |
| Leave of absence granted to, . . . . | 114, 174     |

## MOTIONS BY.

|   |     |
|---|-----|
| To appoint committee on governor's message, . . . .                       | 65  |
| To adopt report of committee on elections on H. B. No. 9, . .             | 71  |
| To amend H. B. No. 19, . . . .  | 82  |
| To go into committee of the whole on H. B. No. 15, . . . .                | 87  |
| On C. J. R. No. 1, to suspend rules, &c. . . .                            | 103 |
| To reconsider vote on C. B. No. 19, . . . .                               | 111 |
| To lay on table resolution concerning A. J. Smith, . . . .                | 130 |
| To refer H. B. No. 46 to committee of Madison county<br>members, . . . .  | 133 |
| To make C. B. No. 8 special order, . . . .                                | 143 |
| To reconsider vote on C. B. No. 30, . . . .                               | 145 |
| To take H. B. No. 54 from committee, . . . .                              | 149 |
| To reconsider vote on indefinite postponement of C. B.<br>No. 30, . . . . | 156 |
| To amend H. J. R. No. 13, . . . .   | 165 |

FORBIS, J. F. — *Continued.*

PAGE.

## NOTICES BY.

|  |     |
|--|-----|
| Of introduction of bill to amend section 7 of revenue law, | 51  |
| “ “ to authorize treasurer to pay off bonds,               | 51  |
| “ “ regulating salary of territorial audit-<br>or, &c.     | 55  |
| Of reconsideration of vote on C. B. No. 19,                | 105 |

VOTES OF. See *Votes.*

## GIBBS, I.—Member of House for Deer Lodge county.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on enrollment, | 50  |
| “ special, on C. B. No. 12,            | 104 |
| Credentials reported correct,          | 84  |
| Introduces H. B. No. 56,               | 151 |

## MOTIONS BY.

|  |     |
|--|-----|
| To indefinitely postpone H. B. No. 35, | 99  |
| To indefinitely postpone H. B. No. 51, | 140 |
| To reject H. B. No. 57,                | 153 |
| To refer H. J. R. No. 16 to committee, | 171 |
| Sworn in by speaker,                   | 85  |

VOTES OF. See *Votes.*

## GOVERNOR JAMES M. ASHLEY.

|   |       |
|---|-------|
| MESSAGE OF.   | 14-46 |
| Territorial officers,   | 15    |
| Election laws,  | 18    |
| Biennial sessions,  | 21    |
| Legislative apportionment,  | 21    |
| Minority representation,  | 21    |
| Financial reports,  | 26    |
| Revenue and license laws,   | 26    |
| Immigration,  | 27    |
| Chinese coolie traffic,   | 30    |
| Public schools,   | 33    |
| Special legislation,  | 36    |
| Northern Pacific railroad,  | 40    |
| Fifteenth amendment,  | 41    |
| Indian treaties,  | 41    |
| Indian war debt,  | 43    |
| Appropriation for rivers,   | 45    |
| Agricultural and mining interests,  | 45    |
| Appendix to,  | 47-49 |
| Secretary requested to print 1,500 copies,                                  | 52    |
| Reply of secretary to request to print,                                     | 52    |
| Three hundred copies of ordered printed,                                    | 58    |
| Special committee on appointed,   | 65    |
| Report of special committee, referring to standing commit-<br>tee, adopted, | 69    |
| Motion to print 200 extra copies of, lost,                                  | 80    |

GOVERNOR JAMES M. ASHLEY — *Continued.*

PAGE.

## VETOES BY.

|  |         |
|--|---------|
| Of H. B. No. 4, objections stated, . . . . .               | 108-109 |
| Committee appointed to wait on in relation to, . . . . .   | 112     |
| Report of committee on, . . . . .                          | 116     |
| H. J. R. No. 7, objections stated, . . . . .               | 164     |
| Communication of, concerning bills not returned, . . . . . | 180     |
| Vote of thanks tendered to, . . . . .                      | 184     |

## HEDGE, R.

|  |    |
|--|----|
| Declared enrolling clerk by acclamation, . . . . . | 12 |
|--|----|

## HICKMAN, R. O.—Member of the House for First District.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on internal improvements, . . . . .  | 50  |
| “ “ “ elections, . . . . .   | 50  |
| “ special, to amend license law, . . . . .   | 60  |
| “ “ to ascertain appropriations needed to<br>secure land on which arsenals are situated, &c. . . . . | 107 |
| On committee, special, on H. B. No. 42, . . . . .  | 117 |
| “ “ “ H. B. No. 50, . . . . .  | 137 |
| “ “ “ H. B. No. 59, . . . . .  | 175 |
| Credentials of declared correct, . . . . .   | 8   |

## INTRODUCES BILLS.

|                            |     |
|----------------------------|-----|
| H. B. No. 24, . . . . .    | 73  |
| H. B. No. 25, . . . . .    | 80  |
| H. J. R. No. 16, . . . . . | 171 |
| H. B. No. 59, . . . . .    | 174 |

## MOTIONS BY.

|   |     |
|---|-----|
| To appoint joint committee to amend license law, . . . . .  | 60  |
| To suspend rules and pass H. B. No. 24, . . . . .   | 74  |
| To print 200 extra copies governor's message, . . . . .   | 80  |
| On H. B. No. 25, to suspend rules, &c. . . . .  | 84  |
| To appoint committee to ascertain appropriations needed<br>to secure arsenal grounds, &c. . . . . | 107 |
| To make H. B. No. 41 special order, . . . . .   | 115 |
| On H. B. No. 46, to suspend rules, &c. . . . .  | 133 |

## NOTICES BY.

|  |     |
|--|-----|
| Of introduction of bill to repeal act granting increased com-<br>pensation to members of legislative assembly, &c. . . . .                 | 64  |
| Of introduction of an act to repeal section 4 of act to pro-<br>mote the agricultural, mineral, and mechanical inter-<br>ests, &c. . . . . | 67  |
| Of bill to repeal act to incorporate Madison River Ditch<br>Company, . . . . .   | 72  |
| Of reconsideration of vote on C. B. No. 28, . . . . .  | 127 |
| Resolution by, of thanks to the governor, . . . . .  | 184 |

VOTES OF. See *Votes*.



## JOINT SESSION.

PAGE.

To receive governor's message, . . . . . 13, 49

## JORDAN, H.—Member of House for Eighth District.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on ways and means, . . . . .                                 | 50  |
| “ “ “ education, . . . . .   | 50  |
| “ “ “ agriculture and manufactures, . . . . .  | 50  |
| “ special, “ credentials, . . . . .  | 8   |
| “ “ to request secretary to furnish stationery, . . . . .                            | 13  |
| On committee, special, on H. B. No. 13, . . . . .                                    | 74  |
| “ “ “ H. B. No. 36, . . . . .  | 99  |
| “ “ “ C. B. No. 4, . . . . .   | 103 |
| “ “ “ H. J. R. No. 4, . . . . .  | 105 |
| “ “ to wait on governor and inquire whether his veto message was official, . . . . . | 112 |
| On committee, special, on C. B. No. 24, . . . . .                                    | 121 |
| “ “ “ H. B. No. 54, . . . . .  | 147 |
| “ “ “ C. B. No. 42, . . . . .  | 154 |
| “ “ “ H. J. R. No. 13, . . . . .   | 163 |
| “ “ “ H. B. No. 58, . . . . .  | 163 |
| “ “ “ committee of conference on C. B. No. 8, . . . . .                              | 164 |
| Credentials of declared correct, . . . . .   | 9   |

## INTRODUCES BILLS.

|   |     |
|---|-----|
| By consent, without notice, H. B. No. 11, . . . . . | 62  |
| “ “ “ H. B. No. 51, . . . . .                       | 138 |
| In the chair, . . . . .                             | 117 |

## MOTIONS BY.

|  |     |
|--|-----|
| To adopt report of committee on H. B. No. 13, . . . . .  | 80  |
| To instruct clerk to inform council that House refuses to concur in amendments to H. B. No. 4, . . . . . | 83  |
| To ask council to recede from amendment to H. B. No. 1, . . . . .  | 90  |
| To refer H. B. No. 36 to special committee, . . . . .  | 99  |
| On H. B. No. 36, to suspend rules, &c. . . . .   | 101 |
| To receive and adopt report of majority of committee on C. B. No. 4, . . . . .                           | 111 |
| To appoint a committee to inquire of governor whether his veto message was official, . . . . .           | 112 |
| To take up C. B. No. 4, . . . . .  | 116 |
| To receive and adopt report of committee on C. B. No. 4, . . . . .                                       | 117 |
| On C. B. No. 4, to suspend rules, &c. . . . .  | 117 |
| On C. B. No. 24, “ “ . . . . .   | 132 |
| On H. B. No. 51, “ “ . . . . .   | 138 |
| “ “ “ “ “ . . . . .  | 140 |

JORDAN, H. — *Continued.*

PAGE.

## MOTIONS BY.

|   |     |
|---|-----|
| On C. B. No. 37, to suspend rules, &c. . . . .  | 140 |
| To refer C. B. No. 24, . . . . .  | 149 |
| To refuse to recede from amendments to C. B. No. 8, . . . .   | 164 |
| To appoint committee of conference, . . . . .   | 164 |
| On H. J. R. No. 13, to suspend rules, &c. . . . .   | 165 |
| Notice by, of introduction of bill to repeal an act creating the<br>office of territorial superintendent of public instruction, . . . | 51  |
| Resolution by, authorizing committee on ways and means to send<br>for witnesses, . . . . .  | 134 |
| VOTES OF. See <i>Votes</i> .  |     |

## LAMME, A.—Member of House for Ninth District.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on judiciary, . . . . .                                | 50  |
| “ special, to inform governor of organization, . . . . .                       | 12  |
| “ “ joint, to amend license laws, . . . . .                                    | 60  |
| “ “ on H. B. No. 19, . . . . .   | 68  |
| “ “ “ immigration, . . . . .   | 68  |
| “ “ “ H. B. No. 23, . . . . .  | 73  |
| “ “ “ H. B. No. 15, . . . . .  | 74  |
| “ “ “ H. B. No. 36, . . . . .  | 99  |
| “ “ “ C. B. No. 4, . . . . .   | 103 |
| “ “ “ C. B. No. 12, . . . . .  | 104 |
| “ “ “ C. B. No. 42, . . . . .  | 155 |
| “ “ “ H. B. No. 58, . . . . .  | 163 |
| “ “ “ H. J. R. No. 17, . . . . .   | 171 |
| “ “ to ascertain appropriations needed to<br>secure arsenal grounds, . . . . . | 107 |
| On committee, special, on C. B. No. 15, . . . . .                              | 108 |
| “ “ “ H. B. No. 52, . . . . .  | 143 |
| Credentials of declared correct, . . . . .                                     | 9   |

## INTRODUCES BILLS.

|                                     |     |
|-------------------------------------|-----|
| H. B. No. 36, by consent, . . . . . | 99  |
| H. B. No. 58, . . . . .             | 163 |

## MOTIONS BY.

|  |     |
|--|-----|
| To take up H. B. No. 36, . . . . .   | 101 |
| To receive and adopt report of committee on C. B. No. 15, . . .  | 111 |
| To make C. B. No. 31 special order, . . . . .  | 137 |
| To lay on table amendment to amendment to H. J. R. No. 10, .   | 152 |
| Nominated for speaker, . . . . .   | 11  |
| Notice by, of introduction of bill to repeal act to protect and regu-<br>late the irrigation of land in Montana territory, &c. . . . . | 55  |
| VOTES OF. See <i>Votes</i> .   |     |

**LEVERIDGE, R. E.**—Chief clerk of the council.

PAGE.

Presents message to House, 13, 59, 60, 63, 68, 69, 73, 74, 82, 87, 89, 93,  
98, 104, 108, 113, 120, 126, 132, 140, 142, 143, 146, 154, 164, 170, 174,  
178, 179, 180, 184.

**LICHEL & MAHAN.**

Vote of thanks tendered to, . . . . . 56

**MAGUIRE & WRIGHT.**

Communication from, . . . . . 154

Vote of thanks to, . . . . . 154

**MEMBERS.**

List of, . . . . . 4

Oath of office administered to, . . . . . 10

**MENAUGH, C. C.**

Requested to administer oath of office, . . . . . 10

Administers oath to Messrs. Boswell and Scott, . . . . . 10

“ “ officers and attaches of House, . . . . . 12

**MESSAGE, GOVERNOR'S.**

See *Governor*.

**MURPHY, JOHN.**—Member of the House for Third District.**APPOINTED.**

On committee, standing, on military affairs, . . . . . 50

“ “ “ mines and minerals, . . . . . 50

“ “ “ roads and highways, . . . . . 51

“ special, “ H. B. No. 13, . . . . . 72

“ “ “ H. B. No. 13, . . . . . 74

“ “ “ H. B. No. 30, . . . . . 92

“ “ “ H. B. No. 50, . . . . . 137

“ “ “ H. B. No. 58, . . . . . 163

Credentials of declared correct, . . . . . 9

Introduces H. B. No. 13, . . . . . 65

**MOTIONS BY.**

To excuse select committee on H. B. No. 13 and appoint  
another, . . . . . 74

To take up H. B. No. 13, . . . . . 86

Notice by, of introduction of bill in relation to working and hold-  
ing quartz ledges, . . . . . 55

VOTES OF. See *Votes*.

**OFFICERS.**

Federal, list of, . . . . . 3

Territorial, list of, . . . . . 3

**OF HOUSE.**

Elected, . . . . . 11–12

Oath of office administered to, . . . . . 12

Vote of thanks to, . . . . . 184

## POUNDS, THOMAS E.—Member of House for Second District.

PAGE.

## APPOINTED.

|  |          |
|--|----------|
| Teller, . . . . .                              | 11       |
| On committee, standing, on printing, . . . . . | 50       |
| “ “ “ finance, . . . . .                       | 51       |
| “ special, “ credentials, . . . . .            | 8        |
| “ “ “ H. B. No. 2, . . . . .                   | 56       |
| “ “ “ H. B. No. 23, . . . . .                  | 73       |
| “ “ “ H. B. No. 54, . . . . .                  | 147      |
| “ “ “ conference, on C. B. No. 24, . . . . .   | 147      |
| Credentials of declared correct, . . . . .     | 8        |
| Granted leave of absence, . . . . .            | 103, 114 |

## INTRODUCES BILLS.

|                                      |     |
|--------------------------------------|-----|
| H. B. No. 32 (by consent), . . . . . | 95  |
| H. B. No. 48, . . . . .              | 135 |
| H. J. R. No. 9, . . . . .            | 149 |
| H. J. R. No. 18, . . . . .           | 175 |

## MOTIONS BY.

|   |     |
|---|-----|
| To extend privileges of House to members of press and legal fraternity, . . . . . | 56  |
| To refer H. B. No. 23 to select committee, . . . . .                              | 73  |
| To amend H. J. R. No. 15, . . . . .   | 172 |
| To reconsider vote on H. J. R. No. 15, . . . . .                                  | 172 |
| To adopt C. J. R. No. 3, as amended, . . . . .                                    | 177 |

## NOTICES BY.

|  |    |
|--|----|
| Of introduction of bill to amend section 12 of an act concerning licenses, . . . . .   | 55 |
| Of introduction of bill to amend section 12 of an act relative to elections, . . . . . | 82 |

## RESOLUTIONS BY.

|   |     |
|---|-----|
| To dispose of bills on speaker's desk, . . . . .                  | 131 |
| To instruct chief clerk to read history of all bills, &c. . . . . | 179 |

VOTES OF. See *Votes*.

## REDDICK, W. F.

|   |    |
|---|----|
| Appointed fireman <i>pro t.m.</i> . . . . . | 6  |
| Declared “ by acclamation, . . . . .        | 12 |

## REPORTS.

|  |       |
|--|-------|
| Of territorial treasurer, . . . . .              | 56-58 |
| Five hundred copies ordered printed, . . . . .   | 58    |
| Committee on ways and means report on, . . . . . | 158   |

## RESOLUTIONS.

|  |    |
|--|----|
| Fixing time of adjournment, offered, . . . . . | 61 |
| Referred to committee, . . . . .               | 61 |



RESOLUTIONS — *Continued.*

PAGE.

|  |     |
|--|-----|
| To procure three copies of <i>Capital Times</i> for each member, offered,  | 68  |
| Indefinitely postponed, . . . . .  | 68  |
| To appoint committee to procure chaplain for the House, .  | 86  |
| Motion to table, lost, . . . . .   | 86  |
| Motion to adopt, carried, . . . . .  | 87  |
| To instruct committee on printing to furnish each member two<br>copies of tri-weekly <i>Capital Times</i> , adopted, . . . . . | 86  |
| That no smoking be allowed inside the bar of the House, .  | 102 |
| To entertain no more bills, rejected, . . . . .  | 119 |
| To appoint committee to investigate books, &c. of auditor and<br>treasure, . . . . .   | 125 |
| Reconsidered and laid on table, . . . . .  | 137 |
| To appoint investigation committee, &c., indefinitely postponed,   | 128 |
| In relation to notice of bill by A. J. Smith, &c. laid on table, .   | 130 |
| To take up and dispose of bills on speaker's desk, . . . . .   | 131 |
| Authorizing committee on ways and means to send for witnesses, &c.   | 134 |

## ROCKFELLOW, GEORGE W.

|  |    |
|--|----|
| Appointed chief clerk <i>pro tem.</i> . . . . .              | 5  |
| Nominated and declared chief clerk by acclamation, . . . . . | 11 |

## SECRETARY OF THE TERRITORY, W. S. SCRIBNER.

|   |       |
|---|-------|
| Committee appointed to request to furnish stationery, . . . . .   | 13    |
| Requested to have governor's message printed, . . . . .   | 52    |
| Communication from, concerning printing governor's message, .   | 52    |
| “ “ “ furnishing stationery, &c. . . . .  | 54    |
| Committee appointed to wait on and ascertain amount appropri-<br>ations made and amount expended, &c. . . . . | 161   |
| Sergeant-at-arms instructed to procure laws of fourth session from,   | 62    |
| Communication from in reply to H. J. R. No. 2, . . . . .  | 76-78 |

## SERGEANT-AT-ARMS.

|  |     |
|--|-----|
| Wm. Deascey, appointed <i>pro tem.</i> . . . . .             | 5   |
| “ declared by acclamation, . . . . .                         | 12  |
| Instructed to procure saw-dust, &c. . . . .                  | 52  |
| “ “ from secretary laws fourth session, . . . . .            | 62  |
| Requested to bring all postage matter for members, . . . . . | 89  |
| Directed to bring fireman before House, . . . . .            | 133 |

## SCOTT, P.—Member of House for Second District.

## APPOINTED.

|   |    |
|---|----|
| On committee, standing, on internal improvements, . . . . . | 50 |
| “ “ “ roads and highways, . . . . .                         | 51 |
| “ special, “ H. B. No. 13, . . . . .                        | 74 |
| Credentials declared correct, . . . . .                     | 10 |
| Extra mileage granted to, . . . . .                         | 90 |

## MOTIONS BY.

|  |     |
|--|-----|
| On H. B. No. 53, to suspend rules, &c. . . . .   | 145 |
| To indefinitely postpone C. B. No. 24, . . . . . | 148 |
| Oath of office administered to, . . . . .        | 10  |

## SMITH, A. J.—Member of House for Fourth District.

PAGE.

## APPOINTED.

|  |         |
|--|---------|
| On committees, standing, on federal relations, mines and minerals, engrossment, . . . . .    | 50      |
| On committee, special, to invite chief justice to administer oath, . . . . .                 | 9       |
| On committee, special, to inform council House had organized, . . . . .                      | 12      |
| On committee, special, to inform governor of House organization, . . . . .                   | 12      |
| On committee, special, to wait on secretary and request him to provide stationery, . . . . . | 13      |
| On joint committee to inform governor of joint session, . . . . .                            | 14      |
| “ “ “ adopt joint rules, . . . . .   | 49      |
| On committee, special, on resolution to adjourn <i>sine die</i> , . . . . .                  | 61      |
| “ joint, to wait on secretary, &c. . . . .   | 61      |
| “ special, on governor's message, . . . . .  | 65      |
| “ “ “ H. B. No. 21, . . . . .  | 71      |
| “ “ “ H. B. No. 28, . . . . .  | 91      |
| “ “ “ H. B. No. 30, . . . . .  | 92      |
| “ “ to investigate accounts auditor and treasurer, . . . . .                                 | 125     |
| On committee, special, on C. B. No. 30, . . . . .  | 141     |
| “ “ “ H. B. No. 54, . . . . .  | 147     |
| Credentials of declared correct, . . . . .   | 9       |
| Called to the chair, . . . . .   | 73, 143 |

## INTRODUCES BILLS.

|  |    |
|--|----|
| H. B. No. 10 (by consent, without notice), . . . . . | 62 |
| H. B. No. 12 (by consent), . . . . .                 | 64 |
| H. B. No. 27, . . . . .                              | 85 |

## MOTIONS BY.

|  |    |
|--|----|
| That committee on credentials report, . . . . .                              | 9  |
| That members present be sworn in, . . . . .                                  | 9  |
| To invite council to meet House to receive governor's message, . . . . .     | 12 |
| To inform governor of organization of House, &c. . . . .                     | 12 |
| Vote of thanks to A. H. Barrett, . . . . .                                   | 12 |
| To adopt House rules of last session, . . . . .                              | 49 |
| On H. B. No. 12, to suspend rules, &c. . . . .                               | 64 |
| To amend resolution to procure three copies <i>Capital Times</i> , . . . . . | 68 |
| To adopt report of committee to procure chaplain, . . . . .                  | 89 |
| On H. B. No. 29, to suspend rules, &c. . . . .                               | 91 |
| To amend H. B. No. 19, . . . . .   | 93 |
| To adopt report of committee on H. B. No. 30, . . . . .                      | 95 |
| To receive and adopt report of committee on C. B. No. 17, . . . . .          | 97 |

SMITH, A. J. — *Continued.*

PAGE.

## MOTIONS BY.

|  |     |
|--|-----|
| To lay on table H. B. No. 34, . . . . .                                    | 100 |
| To table report of majority of committee on C. B. No. 4, .                 | 111 |
| To make report on C. B. No. 4 special order, . . . . .                     | 111 |
| To suspend H. R. No. 21, . . . . .   | 112 |
| To receive report of committee to wait on governor, .                      | 116 |
| On C. B. No. 30, to suspend rules, &c. . . . .                             | 141 |
| To amend C. B. No. 8, . . . . .  | 142 |
| To indefinitely postpone C. B. No. 30, . . . . .                           | 145 |
| To print report of committee on report of auditor and treasurer, . . . . . | 165 |
| To take up H. B. No. 58, . . . . .   | 167 |
| To lay on table H. B. No. 58, . . . . .                                    | 167 |
| Immediate reconsideration of vote on H. B. No. 51, .                       | 174 |
| On H. J. R. No. 19, to suspend rules, &c. . . . .                          | 175 |

## NOTICES BY.

|   |         |
|---|---------|
| Of introduction of bill to repeal the charter known as the Parson's or King & Gillette Toll Road, &c. . . . . | 51      |
| Of introduction of an act to authorize county commissioners to regulate and open streets and alleys, &c. .    | 82      |
| Resolution concerning notice offered by, . . . . .  | 129-130 |
| Resolution by, to appoint committee to investigate accounts of auditor and treasurer, . . . . .               | 125     |

VOTES OF. See *Votes*.

## THANKS.

|   |     |
|---|-----|
| Vote of tendered A. H. Barrett, . . . . .                                 | 12  |
| “ “ Lichel & Mahan, . . . . .   | 56  |
| “ “ Maguire & Wright, . . . . .   | 154 |
| “ “ the governor, speaker, officers, and attaches of the House, . . . . . | 184 |

## THOMAS, O. P.

|  |    |
|--|----|
| Appointed door-keeper <i>pro tem</i> . . . . . | 5  |
| Leave of absence granted to, . . . . .         | 70 |

## TREASURER, TERRITORIAL.

|   |       |
|---|-------|
| L. W. Frary appointed and commissioned by governor, . | 17    |
| Report of W. G. Barkley, . . . . .                    | 56-58 |
| Referred to committee on ways and means, . . . . .    | 113   |

## VOTES, LIST OF.

|   |    |
|---|----|
| On motion to adjourn <i>sine die</i> , . . . . .          | 50 |
| “ “ print governor's message, . . . . .                   | 52 |
| On H. B. No. 2, . . . . .                                 | 63 |
| On motion to suspend rules and pass H. B. No. 12, . . . . | 64 |

VOTES, LIST OF — *Continued.*

|  | PAGE. |
|--|-------|
| On H. B. No. 23, . . . . .   | 73    |
| “ “ 24, . . . . .  | 75    |
| “ “ 20, . . . . .  | 75    |
| On C. B. No. 6, . . . . .  | 75    |
| On H. B. No. 16, . . . . .   | 76    |
| On reconsideration of vote on C. B. No. 6, . . . . .                                 | 80    |
| On C. B. No. 6, . . . . .  | 81    |
| On H. B. No. 3, . . . . .  | 81    |
| On council amendments to H. B. No. 4, . . . . .                                      | 83    |
| On H. B. No. 23, . . . . .   | 83    |
| On C. B. No. 7, . . . . .  | 83    |
| On H. B. No. 25, . . . . .   | 84    |
| On motion to table resolution to appoint committee to procure<br>chaplain, . . . . . | 86    |
| On H. B. No. 13, . . . . .   | 86    |
| “ “ 18, . . . . .  | 87    |
| On motion to furnish <i>Capital Times</i> , . . . . .                                | 88    |
| “ “ adopt H. B. No. 1, with amendments, . . . . .                                    | 90    |
| “ “ allow extra mileage to Messrs. Boswell, Scott, and<br>Elwell, . . . . .          | 90    |
| On H. B. No. 29, . . . . .   | 92    |
| “ “ 21, . . . . .  | 93    |
| “ “ 19, . . . . .  | 93    |
| “ “ 17, . . . . .  | 94    |
| “ “ 26, . . . . .  | 94    |
| “ “ 28, . . . . .  | 95    |
| On C. B. No. 17, . . . . .   | 97    |
| On rejection of C. B. No. 20, . . . . .  | 97    |
| On council substitute for H. B. No. 2, . . . . .                                     | 97    |
| On C. R. No. 13, . . . . .   | 98    |
| On C. B. No. 2 (returned by governor without approval), . . . . .                    | 98    |
| On motion to indefinitely postpone H. B. No. 35, . . . . .                           | 99    |
| “ “ table H. B. No. 34, . . . . .  | 100   |
| On H. B. No. 36, . . . . .   | 101   |
| On C. B. No. 11, . . . . .   | 102   |
| On C. J. R. No. 1, . . . . .   | 103   |
| On C. B. No. 9, . . . . .  | 104   |
| “ “ 19, . . . . .  | 104   |
| On H. B. No. 39, . . . . .   | 105   |
| On H. J. R. No. 4, . . . . .   | 106   |
| On H. B. No. 37, . . . . .   | 106   |
| On C. B. No. 25, . . . . .   | 107   |
| On motion to refuse to recede from amendments to C. B. No. 13, . . . . .             | 108   |
| On H. B. No. 30, . . . . .   | 110   |



VOTES, LIST OF — *Continued.*

|   | PAGE. |
|---|-------|
| On C. B. No. 19,  | 111   |
| “ “ 12,   | 112   |
| On H. B. No. 33,  | 112   |
| “ “ 32,   | 114   |
| On C. B. No. 4,   | 117   |
| On H. J. R. No. 5,  | 118   |
| On C. B. No. 15,  | 118   |
| “ “ 27,   | 121   |
| “ “ 34,   | 122   |
| On H. B. No. 27,  | 122   |
| “ “ 35,   | 122   |
| “ “ 42,   | 123   |
| On H. J. M. No. 1,  | 125   |
| On reconsideration of vote on H. B. No. 4,  | 125   |
| “ “ “ “ “ “ “ “   | 126   |
| On H. B. No. 4, over veto of governor,  | 126   |
| On reconsideration of vote to appoint committee to examine books<br>of auditor and treasurer, | 127   |
| On motion to table resolution, &c.  | 127   |
| On C. B. No. 28,  | 127   |
| “ “ 25, over veto,  | 128   |
| “ “ 35,   | 131   |
| “ “ 24,   | 132   |
| On H. J. R. No. 7,  | 133   |
| On C. B. No. 16,  | 134   |
| On H. B. No. 47,  | 135   |
| “ “ 48,   | 136   |
| “ “ 41,   | 137   |
| On C. B. No. 21, with House amendments,   | 139   |
| “ “ 31, as amended,   | 139   |
| On H. B. No. 51,  | 140   |
| On C. B. No. 37,  | 141   |
| On C. J. R. No. 2,  | 141   |
| On motion to postpone C. B. No. 8,  | 142   |
| On C. B. No. 29,  | 144   |
| On H. B. No. 53,  | 145   |
| On motion to reconsider vote to postpone C. B. No. 30,  | 147   |
| “ “ postpone H. J. R. No. 1,  | 148   |
| On H. B. No. 54,  | 151   |
| On C. B. No. 41,  | 151   |
| On H. J. R. No. 8,  | 151   |
| On H. B. No. 56,  | 152   |
| On motion to table amendments to H. J. R. No. 10,   | 152   |
| On H. B. No. 57,  | 153   |
| On C. J. R. No. 4,  | 154   |

VOTES, LIST OF — *Continued.*

|   | PAGE. |
|---|-------|
| On H. B. No. 52, . . . . .                                    | 155   |
| On C. B. No. 40, . . . . .                                    | 155   |
| “ “ 30, . . . . .   | 156   |
| On H. J. R. No. 11, . . . . .                                 | 157   |
| On amendment to H. J. R. No. 13, . . . . .                    | 165   |
| On H. J. R. No. 13, . . . . .                                 | 166   |
| On H. J. R. No. 7, over veto, . . . . .                       | 166   |
| On motion to table H. B. No. 58, . . . . .                    | 167   |
| “ “ reject H. J. R. No. 16, . . . . .                         | 171   |
| On H. J. R. No. 15, . . . . .                                 | 172   |
| On substitute for H. J. R. No. 17, . . . . .                  | 173   |
| On H. B. No. 51, over veto, . . . . .                         | 174   |
| On C. J. R. No. 5, . . . . .                                  | 174   |
| On H. J. R. No. 18, . . . . .                                 | 175   |
| On H. J. R. No. 19, . . . . .                                 | 175   |
| On C. J. R. No. 6, . . . . .                                  | 175   |
| On amendments to H. B. No. 59, . . . . .                      | 177   |
| On motion to indefinitely postpone C. J. R. No. 3, . . . . .  | 178   |
| On H. J. R. No. 20, . . . . .                                 | 178   |
| On C. C. R. No. 2, . . . . .                                  | 178   |
| “ “ “ 3, . . . . .  | 179   |
| On motion to indefinitely postpone H. J. R. No. 16, . . . . . | 179   |
| On council substitute for H. B. No. 36, . . . . .             | 180   |
| “ “ “ H. J. R. No. 17, . . . . .                              | 181   |
| On C. C. R. No. 4, . . . . .                                  | 181   |
| On C. J. M. No. 1, . . . . .                                  | 183   |
| On C. C. R. No. 5, . . . . .                                  | 183   |
| “ “ “ 8, . . . . .  | 183   |

WANN, W. D.—Member of the House for First District.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on federal relations, . . . . .              | 50  |
| “ “ mines and minerals, . . . . .                                    | 50  |
| “ “ engrossment, . . . . .   | 50  |
| “ special, joint, to furnish fuel, lights, and stationery, . . . . . | 56  |
| On committee, special, on governor's message, . . . . .              | 65  |
| “ “ immigration, . . . . .   | 68  |
| “ “ H. B. No. 23, . . . . .  | 72  |
| “ special, of conference on C. B. No. 8, . . . . .                   | 164 |
| “ special, on H. B. No. 59, . . . . .                                | 175 |
| Called to the chair, . . . . . 110, 114, 125, 134, 139, 147          |     |
| Credentials declared correct, . . . . .                              | 8   |

## PAGE.

|   |     |
|---|-----|
| H. B. No. 8 (by consent, without notice), | 62  |
| II. B. No. 15 (by consent) . . . . .      | 65  |
| H. B. No. 34       “ . . . . .            | 96  |
| H. B. No. 39       “ . . . . .            | 105 |
| H. J. R. No. 8, . . . . .                 | 137 |
| H. J. R. No. 15, . . . . .                | 171 |

|  |     |
|--|-----|
| To appoint G. W. Rockfellow chief clerk <i>pro tem.</i>                    | 5   |
| To appoint committee on joint rules,                                       | 49  |
| To print 1,500 copies governor's message,                                  | 52  |
| To appoint joint committee to procure lights, fuel, and stationery,        | 56  |
| Tendering vote of thanks to Lichel & Mahan,                                | 56  |
| To appoint committee on immigration,                                       | 68  |
| Requesting officers of House to remain in their places,                    | 69  |
| To grant use of House to society of natural science,                       | 74  |
| To authorize committee on printing to subscribe for <i>Capital Times</i> , | 81  |
| To tender use of House to society of natural science,                      | 95  |
| On H. B. No. 39, to suspend rules, &c.                                     | 105 |
| "      "      37,      "      "      "                                     | 106 |
| To indefinitely postpone H. B. No. 34,                                     | 107 |
| To make reconsideration of vote on H. B. No. 4 special order,              | 109 |
| On C. B. No. 15, to suspend rules, &c.                                     | 111 |
| On H. B. No. 32,      "      "      "                                      | 113 |
| To lay on table C. B. No. 28,  | 116 |
| On C. B. No. 15, to suspend rules, &c.                                     | 118 |
| To amend H. B. No. 42,   | 120 |
| On C. B. No. 34, to suspend rules, &c.                                     | 122 |
| On H. B. No. 42,      "      "      "                                      | 123 |
| To refer C. B. No. 24 to committee of the whole,                           | 125 |
| To take C. B. No. 28 from table,   | 127 |
| To make H. B. No. 31 special order,  | 128 |
| To reconsider vote to make H. B. No. 41 special order,                     | 130 |
| On C. B. No. 35, to suspend rules, &c.                                     | 131 |
| To amend H. B. No. 46,   | 133 |
| On H. B. No. 48, to suspend rules, &c.                                     | 135 |
| To refuse to recede from amendment to C. B. No. 23,                        | 142 |
| To amend C. B. No. 8,  | 142 |
| To reconsider vote to amend section 5 of C. B. No. 8,                      | 142 |
| To reject H. B. No. 54,  | 147 |
| To reconsider vote on reference of,  | 147 |
| To indefinitely postpone H. B. No. 54,                                     | 149 |

WANN, W. D.—*Continued.*

PAGE.

## MOTIONS BY.

|   |     |
|---|-----|
| To lay on table H. J. R. No. 10, . . . . .                            | 152 |
| To adopt amendments to C. B. No. 8, . . . . .                         | 153 |
| On C. B. No. 8, to suspend rules, &c. . . . .                         | 153 |
| To request governor to return H. B. No. 40, for correction, . . . . . | 155 |
| To reconsider vote on H. J. R. No. 16, . . . . .                      | 179 |
| Nominated for speaker, . . . . .                                      | 11  |

## NOTICES BY.

|  |    |
|--|----|
| Of introduction of bill to repeal portions of an act amendatory of an act defining council and representative districts, &c. . . . . | 55 |
| Of introduction of bill to repeal an act concerning licenses, approved January, 16, 1869, . . . . .                                  | 59 |

VOTES OF. See *Votes*.

## WARREN, H. L.—Chief Justice.

|  |    |
|--|----|
| Invited to administer oath to members, . . . . . | 9  |
| Administers oath, . . . . .                      | 10 |
| Vote of thanks to, . . . . .                     | 10 |

## WILLIAMS, P. T.—Member of House for Third District.

## APPOINTED.

|  |     |
|--|-----|
| On committee, standing, on public lands, . . . . . | 50  |
| “ “ “ towns and counties, . . . . .                | 50  |
| “ “ “ incorporations, . . . . .                    | 50  |
| “ “ “ enrollment, . . . . .                        | 50  |
| “ special, on C. B. No. 30, . . . . .              | 141 |
| “ “ conference on C. B. No. 8, . . . . .           | 164 |
| Credentials reported correct, . . . . .            | 9   |
| Introduces H. B. No. 26, . . . . .                 | 82  |
| Motion by, to reject H. B. No. 49, . . . . .       | 136 |

## NOTICES BY.

|   |    |
|---|----|
| Of introduction of bill for the removal of the seat of government, . . . . .  | 51 |
| Of introduction of bill to amend an act concerning county officers, . . . . . | 72 |

VOTES OF. See *Votes*.





